



Paralegals in Rural Africa



STAMPING THE CORN - Linocut - John Muafangejo

INTERNATIONAL COMMISSION OF JURISTS

JUST-ACC*PAR

The drawing on the front cover is taken from: *Namibie, lutte d'indépendance et terreur sud-africaine*, SWAPO Foreign Mission, a supplement to *Information and Comment*, August 1988, No. 39, p. 8.

The ICJ permits free reproduction of extracts from any of its publications provided that due acknowledgement is given and a copy of the publication carrying the extract is sent to its headquarters at the following address:

P.O.Box 145, CH-1224 Chêne-Bougeries/Geneva, Switzerland

International Commission
of Jurists (ICJ)
Geneva, Switzerland

Paralegals in Rural Africa

Seminars
in the Gambia, Banjul
November 1989

and

Harare, Zimbabwe
February 1990

Adama Dieng, Editor
Cecilia Thompson, Assistant Editor

JUST-ACC*PAR

C. 1239

Copyright © International Commission of Jurists 1991

ISBN 92 9037 050 5

Contents

The Provision of Legal Services in Rural Areas (Seminars in The Gambia, Banjul, November 1989 and Harare, Zimbabwe, February 1990)

Foreword <i>by Adama Dieng</i>	5
Part I: Banjul seminar	
Address of Welcome <i>by Raymond C. Sock, Director, African Centre for Democracy and Human Rights Studies</i>	13
Opening Speech <i>by the Hon. Hassan Jallow, Attorney General and Minister of Justice of The Gambia</i>	15
Legal Services in Rural Areas – An Indian experience <i>by D. Gnanapragasam, Lawyer and Coordinator, Legal Resources for Social Action, India</i>	18
Legal Aid and Services to Women in Ghana <i>by Akua Kuenyehia, Senior Lecturer and Chairperson, Legal Aid Steering Committee, International Federation of Women Lawyers Association (FIDA-Ghana)</i>	32
Planning and Implementation of Legal Services in Rural Areas Projects: national group discussions	38
Conclusions and recommendations – Banjul seminar	45
List of participants	51

Part II: Harare Seminar

Opening Remarks <i>by the Honourable Justice E. Dumbutshena, Chief Justice of Zimbabwe</i>	57
Legal Services in Rural Areas – The experience of Zimbabwe <i>by T.W. Manase, National Director, Legal Resources Foundation</i>	61
The South African Experience of Legal Services in Rural Areas <i>by M.S. Navsa, Director, Legal Resources Centre, Johannesburg</i>	70
Rural Paralegal Training in South Africa <i>by Derrick Fine, Attorney with the Legal Education Action Project and Paralegal training, resource officer</i>	77
Remarks on the Senegalese Experience with Legal Services in Rural Areas <i>by M. Kourouma, Lecturer in Law, University of Cheikh Anta Diop, Dakar, Senegal</i>	84
Planning and Implementation of Legal Services in Rural Areas Projects: national group discussions	87
Conclusions and recommendations – Harare seminar	95
List of participants	102
Conclusions and recommendations – Limuru seminar	107

Foreword

The International Commission of Jurists has for the last 35 years been seeking to promote and protect the Rule of Law and human rights in all parts of the world.

During the 1960s, the lawyers of the Third World, notably of Africa, were confident that on achieving independence they would enjoy free and democratic constitutions, upholding the Rule of Law. A few countries have by and large succeeded in this, but most of the people of Africa have had imposed upon them very different regimes seriously restricting fundamental human rights.

It is hardly surprising to observe that after several decades of efforts and sacrifices made at the national as well as international levels with a view to promoting the development of States, the achievement remains modest. The situation of these states is characterised by:

- the continued deterioration of the conditions of rural and urban populations, including malnutrition, famine and precarious conditions of health and shelter;
- the failure of economic and financial policies and the need to resort to assistance from foreign powers and international financial institutions. This inevitably leads to the overt intervention of these powers and institutions in national political life thereby undermining the principles of sovereignty and the right to self-determination of peoples;
- the implementation of structural adjustment programmes entailing measures which aggravate misery and decline. This procedure can be explained by a misconceived vision of the notion of development. African governments, in their political programmes, are primarily preoccupied with economic growth to the detriment of human values and scorn the fundamental principles that guide the lives of human beings and the collectivities in which they live.

Crushed under the burden of debt, African governments give in to pressures from the financial institutions thereby risking their stability and provoking violent social conflicts. The violence of these conflicts is in itself the consequence of feelings of frustration and discontent of the masses whose externally oriented elites have robbed them of their rights.

In the face of such a situation, can one legitimately speak of the Rule of Law? We do not think that human dignity can be preserved as long as the prevailing conditions prohibit access to justice in the political, economic and social domain if the people are deprived of the benefits of material and moral progress. We are convinced that the elimination of these evils, a product of intellectual and material poverty, is without doubt one of the fundamental objectives of all governments concerned with respect for the Rule of Law.

It is unacceptable that governments justify restrictions of human rights in the name of greater progress in economic and social development. Human rights must be given priority.

This has led the International Commission of Jurists to examine closely the relationship between civil and political rights and economic and social rights, and the relationship between all human rights and the process of development.

In doing so, we have become increasingly convinced of the interdependence and indivisibility of the two sets of rights. Together, they are both means and goals of any true development commensurate with human dignity.

In our view, true development is the development of human beings in all aspects of their lives. People and individuals are the active subjects, not the passive objects of development. Development assistance means helping and enabling people to develop themselves.

Most African human rights organisations and lawyers' associations have not been extensively concerned with development issues. Similarly, development NGOs had, until fairly recently, few links with lawyers to find ways to use the law and human rights as a means to achieve their goals.

For some years now the International Commission of Jurists (ICJ) has been holding seminars, bringing together lawyers and development experts to discuss ways in which the law can promote development.

The results of these seminars have been very helpful in the drafting of the 'Declaration on the Right to Development'. This Declaration, adopted by the UN General Assembly in its resolution 41/128 of 4 December 1986, 'represents one of the major initiatives of developing countries in United Nations activities relating to human rights'. We should also underline that

one significant assertion of the African Charter on Human and Peoples' Rights, the Banjul Charter, is that the African People have the right to development. Having identified, *inter-alia*, that some of the most intractable development problems in Africa are in the rural areas, where 80% to 90% of the people live, our organisation decided, in 1982, to embark on a programme seeking to introduce, in Africa, a system providing for legal services in rural areas (LSRA). This has operated successfully in parts of Latin America and Asia.

The essence of the system is for lawyers to cooperate with grass-roots development organisations which have the confidence of the rural populations, and to train 'paralegals' to provide such services. The tasks of paralegals are: to inform people of their rights under the law; to help them to assert and obtain those rights; to negotiate on their behalf; and where necessary, to contact a lawyer in the town if they meet with difficulties or obstruction in securing their rights. The lawyers and the paralegals have recourse to litigation only as a last resort, and should encourage other forms of dispute settlement. Paralegals may be drawn from the rural areas, development organisations or from universities. They act as a bridge between the lawyers in the towns and the rural populations in the villages. Where the laws prove inadequate, the lawyers work for their reform.

The first step in this programme was a meeting organised in April 1983 by the ICJ together with the Council for the Development of Economic and Social Research in Africa (CODESRIA), an inter-African organisation of social scientists, on the theme: "Development and Legal Services in Africa".

As was stated in the preface to the Report of the seminar, "The peasant in particular is daily confronted with important practical problems - from simple administrative procedures to the most complex laws on land tenure, cooperatives, marketing boards, pricing-system, etc. The laws and administrative procedures are made in urban areas by urban-based elected representatives with the advice of urban-based "experts", jurists and administrators. Influential, educated and wealthy groups (both urban and rural based) are often able to make use of law and administrative institutions for their own narrow group or individual gains. The poor peasant has no chance of knowing and disentangling his legal rights in order to assert them. Even if the peasants are well informed, they often have insufficient means and resources to pursue their rights. In practice, therefore, the right to development cannot, under these circumstances, have very much practical meaning to the peasants".

There is no doubt that the right to development will be just a cliché if the people do not enjoy certain basic rights - the right to organise themselves and formulate their demands, in other words freedom of association

and expression. They must be allowed to share in political power, to share in decision-making, thereby translating their political rights into reality.

However, in present conditions, the right to freedom of association is not accessible to everyone. It is applied in most African countries only to privileged state interests and groupings. The drafters of the Banjul Charter emphasised this fact and treated the right of association as a dual right of active involvement and non-involvement. It is our view that a theoretical and practical popularisation of this right may greatly contribute to the development process.

We should also bear in mind that the illiteracy rate in Africa is one of the highest in the world, which explains the indifference of the people to anything legal: *ignoti nulla cupido*. One African state has ratified the International Covenant on Civil and Political Rights, as well as the corresponding Optional Protocol. But how many individuals under its jurisdiction know that they have the right to file a complaint against this state before the United Nations Committee on Human Rights if they have been denied rights under the Covenant at the national level. Only a small minority would know this, essentially the country's elite, which has monopolised power to the detriment of the large majority of the population living in the rural areas.

One action must be given priority: "Bring the law down to the level of the people and then let it rise from the people to the institutions of the State". If such an idea is to become a reality, the contribution of the legal profession becomes indispensable.

Thus, the main conclusion of the seminar was that lawyers should seek "to find out ways of making law accessible to the masses. Rural people should be helped by lawyers to organise themselves on a legal basis. To do this, lawyers should reflect upon ways and means of training paralegals within communities".

Following that meeting, seminars on legal services in rural areas (LSRA) were held in Tambacounda, Senegal (April 1984), Limuru, Kenya (October 1984), Lomé, Togo (February 1987) and Libreville, Gabon (February 1988). As a result of the Tambacounda, Lomé and Libreville seminars, LSRA projects were launched in Senegal, Zaire, Benin and Togo.

Except in Tanzania, Kenya and Zimbabwe, the recommendations of the Limuru seminar towards implementation of LSRA projects have not received the expected support.

In response to the encouraging developments relating to our LSRA programme in francophone Africa and as a follow-up to the conclusions and recommendations of the Limuru Seminar, the ICJ decided to hold two seminars on legal services in rural areas; one for the anglophone West Afri-

can countries, the other for the southern and central African countries. The West Africa seminar was organised jointly with the African Centre for Democracy and Human Rights Studies in Banjul (The Gambia) from 8 to 11 November 1989. The seminar brought together persons having experience of non-governmental organisations working at grass-roots level, representatives of Bar Associations, academics, lawyers, women lawyers and social scientists from The Gambia, Ghana, Liberia, Nigeria and Sierra Leone. The southern and central Africa seminar was held in Harare (Zimbabwe) from 9 to 12 February 1990. It was organised together with the Legal Resources Foundation and the participants, with the same backgrounds as those who attended the West Africa seminar, came from Botswana, Lesotho, Namibia, South Africa, Swaziland, Zambia and Zimbabwe.

Both seminars benefited from the valuable contribution of Dr. Kumado, an ICJ member as well as Drs. Kourouma and Gnanapragasam, respectively Senegalese and Indian experts on legal services in rural areas.

Topics chosen for discussion included the training of paralegals, other forms of legal activity to assist rural populations (legal research, law reform, negotiation with authorities, test cases, etc.) and last but not least, the planning and implementation of LSRA projects.

The following report on the two seminars contains the conclusions and recommendations agreed upon by the participants, the opening speeches and some of the working papers presented at the meetings.

To conclude, I would say that if the sons and daughters of our mother Africa are to improve their situation, it is urgent that their leaders strive to create more humane and participatory societies in which the human being, blossoming physically and spiritually, would be liberated from material want and from political oppression at the same time, in which national wealth would be shared equitably among all social strata whether they are in the city or deep in the countryside. The human being is to be placed in the centre of the development process. This must be understood from now on as implying not only the idea of an improvement in the conditions of life in economic planning but also more far-reaching concepts such as human dignity, security, justice and equity.

The International Commission of Jurists is very grateful to the Attorney-General and Minister of Justice of The Gambia, the Hon. Hassan Jallow, and to the Chief Justice of Zimbabwe, the Hon. Justice Enoch Dumbutshena, for welcoming respectively the Banjul and Harare seminars.

We also wish to thank the African Centre for Democracy and Human Rights Studies and the Legal Resources Foundation whose members

worked tirelessly to ensure the success of the seminars. Finally, we thank the Swedish International Development Authority and Diakonisches Werk der EKD for their financial support which made the seminars possible.

February 1991

Adama Dieng
Secretary-General
ICJ

Part I

Banjul Seminar

November 1989

Address of Welcome

by

Mr. Raymond C. Sock

Director, African Centre for Democracy and Human Rights Studies

It is my pleasure to welcome our guests, the participants of this seminar, to The Gambia, and to thank all of you for gracing this occasion with your presence. I do so on behalf of the Chairman and Members of the Council of the African Centre for Democracy and Human Rights Studies, and on my own behalf.

I would also like to thank the International Commission of Jurists (ICJ) and in particular, Adama Dieng, for making this seminar possible. Their commitment to the promotion and protection of human rights is an inspiring example to others. Their achievements in this most important facet of human life are well documented.

As you know, this seminar is sponsored by the ICJ together with the African Centre for Democracy and Human Rights Studies (ACDHRS), which unlike the ICJ is in its infancy. Permit me, therefore, to say a few words about the Centre.

When the African Charter on Human and Peoples' Rights (the Banjul Charter) came into force in 1986, the Government of The Gambia felt there was a need for a regional non-governmental organisation which would, *inter alia*, cooperate closely with the African Commission on Human and Peoples' Rights by assisting it in its promotional functions and placing at its disposal a well-stocked library and documentation centre. Thus, in the same year the Government accepted, in principle, the proposal to establish the African Centre for Democracy and Human Rights Studies. Earlier this year "The African Centre for Democracy and Human Rights Studies Act"

was enacted, establishing the Centre as a body corporate with perpetual succession and a common seal.

Under Section 4 of the Act, the Centre is mandated to encourage the promotion of human and peoples' rights through training and research, in cooperation with other African and international institutions. In particular, the Centre may organize workshops, seminars - such as this - conferences and public lectures involving people from all over the continent of Africa for the purpose of exchanging ideas on common human rights problems. The Centre may also assist in the implementation of human rights projects in Africa such as the projects on legal services in rural areas we will be discussing later and in the publication of periodicals and journals.

The initial emphasis of the Centre is on training since the successful teaching of human rights encourages their promotion. The Centre's courses and workshops will be short-term and designed for specific socio-professional groups who, in the carrying on of their official duties have a direct impact on the fundamental rights of others. The objective is for them to acquire accurate knowledge and information about relevant international human rights standards and discuss ways and means of surmounting the obstacles to the realisation of those standards in Africa.

But without your support none of the objectives of the Centre can be achieved. The Centre, therefore, needs the support of all individuals, groups, organisations, institutions and governments concerned about the promotion and protection of human rights in Africa. Now that we have the *African Charter on Human and Peoples' Rights* we should use it as the foundation on which to consolidate the fundamental rights and freedoms of all Africans. This is the challenge facing us today, a challenge that a seminar such as this goes a long way towards meeting.

It is therefore our hope that from our discussions during this seminar on "Legal Services in Rural Areas (LSRA)" will emanate concrete proposals for the establishment of LSRA projects in our rural areas.

Opening Speech

by

Hon. Hassan B. Jallow

Attorney General and Minister of Justice of The Gambia

On behalf of the Government and the Council of the African Centre, it is my pleasure to welcome all of you, as well as the distinguished participants to this seminar, to discuss problems and prospects for legal services in rural areas. We, in The Gambia, are particularly honoured to be able to host and co-sponsor this seminar in collaboration with the International Commission of Jurists.

The International Commission of Jurists is now a universal household name in so far as the promotion and protection of human rights, through education, through investigation and enquiry is concerned. The other co-sponsor is the African Centre for Democracy and Human Rights Studies. The distinguished Solicitor General has already given you some ideas and indication as to the objectives of this seminar and the direction it plans to take in the area of human rights promotion.

The theme you are discussing today is an appropriate one. We have just inaugurated the Legal Year 1989-1990 of The Gambia at a ceremony which was held within the precincts of the Supreme Court. One of the issues arising from the addresses of both His Excellency, the President, and His Lordship, the Chief Justice, was the provision of legal services in rural areas. It is an issue with which our own Government is particularly concerned and hopes that concrete measures will continue to be taken in the forthcoming year.

Your seminar is timely and we hope that the presentations on experiences in Ghana, Senegal, other parts of Africa and India will teach us how to develop and strengthen legal services in rural areas in The Gambia.

However, it is not only appropriate just because of our own particular concern; it is appropriate because in all African and Indian communities, and indeed in all communities of developing countries, rural development has been identified as one of the most important aspects of national development. It is in rural areas that a large proportion of the population lives - a population which is largely illiterate, a population which, however, usually accounts for the production of most of the wealth of our own community, a population which is at a disadvantage due to a lopsided form of economic and social development within our own communities. It is a population which constantly lives with the problems of poverty, illiteracy and ill-health. So the question of rural development is, therefore, one which concerns, I think, all of us. When we talk about development as Mr. Adama Dieng of the International Commission of Jurists has indicated, we are concerning ourselves not just with economic development, but also with the total development of the human being. We are looking at the human being as a total person not just in economic, social and cultural terms, but in all areas which are designed to uplift the dignity and worth of the human being. Inevitably, therefore, we have to concern ourselves with matters dealing with the human rights of the rural population as a prerequisite to rural development.

When we deal with the question of human rights and the question of legal services, the nature of our own legal systems in the rural areas has to be addressed. Traditionally, African communities had their own dispute resolution systems which were fairly uncomplicated. However, colonial history as well as the requirements of modern life have introduced some complexities into our legal systems and this is one aspect with which we have to contend. The provision of legal services in rural areas also very often reflects the lopsided nature of our own economic development. In so far as other services tend to be concentrated in urban areas, this concentration is also reflected in the provision of legal services, be it infrastructure, personnel, or other areas within the legal system itself. Therefore, if we are going to make any meaningful progress in rural and national development, we will have to acknowledge a number of factors. Firstly, that discussion of human rights promotion and protection in a community which is fairly illiterate as Mr. Dieng has pointed out, is no guarantee for success unless a method or mechanism is found enabling our fairly large illiterate population to become familiar and acquainted with the norms, standards and principles of human rights as well as the procedures by which these rights can be secured. This could be done through education or other means of raising the awareness of the rural population.

Secondly, we would have to determine one's access to justice or the

quality of justice, in terms of one's ability to retain a lawyer. The question of cost will need to be addressed if we are going to make any meaningful impact in the rural areas. Are we going to provide some kind of mechanism of legal aid and assistance? Is this going to be in material terms to enable people to retain solicitors? Is it going to be through the training of paralegals whose services would be available to the rural population at all times? Are we going to draw upon the experience of the health delivery services which has been responsible for training resident local personnel who can run primary health care services? Cannot the legal system itself emulate the experience of primary health care services? Those kind of issues would have to be addressed.

We will also have to address the kind of procedures to be adopted for dispute resolution. We will have to encourage all traditional procedures dealing with and affecting legal rights. We should eschew some of the unnecessary complexities which surround current legal practices. I am afraid that some of the complexities may have a lot to do with the law but they are not necessary adjuncts of justice. I have said that we have to strengthen our traditional institutions, but what is most fundamental is that we have to recognise access to justice as a necessary component of rural and national development. We should integrate these factors and considerations into our national economic and social development plans. This seminar has brought together many experts with experience in the area of legal services in rural areas, and as I said at the beginning, we are looking forward to learning about those experiences in Asia and other African regions and to see what we could develop ourselves locally.

Legal Services in Rural Areas – An Indian Experience

by

D. Gnanapragasam

Lawyer and Coordinator, Legal Resources for Social Action, India

Development, particularly rural development in the Third World, is now understood as a process by which conditions in which people can enjoy, exercise and utilize all their human rights, whether economic, social, cultural, civil or political, are created. The enjoyment of the totality of human rights calls for the organisation and mobilisation of the rural poor for self-reliant development. Law and legal resources become very significant in this process of mobilisation, organising and undertaking collective action by the poor to secure more equal distribution of resources, thereby tilting the power relationships in their favour and securing participation in the decision-making process.

"Legal resources" does not simply mean "legal services". It is the knowledge and skills which help people to understand law and use it effectively in order to collectively perceive, articulate, demand and protect their interests. It is much more than the mere knowledge of laws and regulations, it is an ability to pursue claims in the courts and tribunals. "Legal aid" has been traditionally viewed as providing redress to legal problems of the poor by creating access to courts. This approach, however, does not ensure self-reliance, participation, redistribution of resources and power, and development. Further, it does not question the legitimacy of the social order and social structures, neither does it change the law nor its social environment.

In order to bring about the development of the rural poor by a process of empowerment "developmental legal aid" or "structural legal aid" is

needed. This results in the creation of legal resources for the poor and the disadvantaged sections of society. It seeks to use law to redistribute power and change social structures.

So far, law has been a resource for the exploiter. By an alternative conception of law and by a strong and innovative legal aid movement, law can be a resource for the poor.

Let me now focus our attention on the experiences of the legal services programmes in India and on the activities undertaken by various individuals, lawyers, judges, social activists, social action groups and non-governmental organisations.

State Legal Aid Programmes

In India legal aid is a right enshrined in the Constitution. In 1976, by the constitutional 42nd amendment, a new article, 39-A, was introduced in the Constitution of India. It states that "The state shall secure that the operation of the legal system promotes justice on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities". Therefore, legal aid is not charity but a constitutional guarantee in India. In pursuance of this amendment, the government of India has set up in 1980, a Committee for Implementing Legal Aid Schemes (CILAS) under the chairmanship of Justice P.N. Bhagwati, the former Chief Justice of India. This committee was set up to formulate and implement a comprehensive and dynamic legal aid programme in the country and to supervise and monitor schemes of legal aid and advice in the States and Union Territories of India. This would ensure effective functioning of such schemes as a means of securing social justice among the weaker sections of society.

The committee assumed the following functions:

1. To set up in each State and Union Territory a distinct and independent Legal Aid and Advice Board based on the model scheme prepared by it for the provision of legal advice to the poor;
2. To recommend appropriate means and strategies for rendering legal services to the most deserving sectors of society such as children, women, Scheduled Castes, Scheduled Tribes and unorganised labour;
3. To develop appropriate courses and reading materials on the nature and importance of legal aid in public administration for in-service training programmes of Indian Police and Administrative Service Per-

sonnel, State Civil Police, Prison and Correctional Administrative Officers and Judicial office trainees for subordinate judiciary;

4. To promote legal literacy among the students of high schools, Colleges and Universities by introducing legal aid lessons in the courses on civics and general education;
5. To conduct training programmes for paralegal workers, who can provide first-aid to the weaker sections of the community in the rural areas and assist in the settlement of disputes and the prevention of legal problems;
6. To organise, together with the Bar Council of India, the Education Departments and the University Grant Commission a clinical legal education programme through legal aid clinics for law students so that they obtain better legal education through their organised involvement in providing legal aid to the poor;
7. To organise seminars and workshops for lawyers in different parts of the country in order to create social justice awareness among them and sensitize the legal profession to the demands of the social revolution contemplated by legal aid programmes;
8. To promote legal awareness among the weaker sections by organising talks on radio and T.V., publishing pamphlets and producing documentary films etc.;
9. To set up a national college for judicial officers providing them with adequate orientation in the area of poverty jurisprudence so that they acquire a proper social justice perspective in the administration of justice;
10. To organise legal aid camps periodically in the rural areas, slums and labour colonies so that legal services can be made available at the door-steps of the socially and economically disabled people of our country;
11. To promote public interest litigation to enforce the fundamental rights of people belonging to the weaker sections and to bring socio-economic justice to the deprived sections of the community;
12. To carry out research and socio-legal surveys in the laws affecting the poor.

In each State of India, autonomous legal aid and advice boards have been constituted, with the Minister of law, the Governor of the State, sitting and retired Judges of the High Courts and the members of the Bar as its functionaries. These Boards function under the supervision of State Government. In 1988 alone, in Tamilnadu, the State Legal Aid and Advice Board has assisted in 100,871 criminal, civil, compensation and administrative cases of the poor.

The State Legal Aid programme has been successful in organising what are called "Legal Aid Camps" whereby lawyers, government officials and judges go to rural areas, listen to the grievances of the poor and provide either immediate redress or follow-up action. The programme has also been successful in providing advice, assistance and aid for court cases thereby creating access to justice through formal justice delivery systems. Counselling and conciliation has been provided and women's centres have also been established and are functioning successfully.

Legal Services Authorities Act, 1987

In 1987, the Parliament of India enacted a distinct legislation called the "Legal Services Authorities Act". The objective of this Act was to:

- establish statutory legal services, promote authorities to provide free and competent legal services to the weaker sections of the society;
- ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities;
- organise Lok Adalats (peoples' courts); and
- secure that the operation of the legal system promotes justice on a basis of equal opportunity.

This Act of Parliament provides for the establishment of legal service authorities for the whole of India and for each Constituent and State. A national legal aid fund is created and allocations are made from the national budget. The hitherto functions of the Committee for Implementing Legal Aid Schemes (CILAS) is now mandatory and has taken over these official legal aid authorities.

Lok Adalats (People's Courts)

As part of finding ways and means of evolving alternative dispute resolution methods, a system of "Lok Adalats" or "Peoples' Courts" has come to stay in India. This system ensures rapid, inexpensive and impartial dispensation of justice in an atmosphere of mutual amity and goodwill. The cases pending before courts and tribunals are taken from their file and settled through negotiations between the parties by panels consisting of retired judges and social workers. The terms of settlement are given judicial sanction to secure enforceability. This system has proved to be very ef-

fective in settling motor accident compensation claims. In a single day when Lok Adalat is held thousands of compensation claims are settled. This system has been carried on in the past years without statutory recognition, purely on the basis of judicial activism. The Legal Services Authorities Act of 1987 now contains provisions giving statutory recognition to this system of speedy and inexpensive dispensation of justice.

Family Courts

Another innovation in alternative dispute resolution methods is the setting up of family courts. The jurisdiction of the family courts extends to all matters relating to marriage, property of the spouses, maintenance, legitimacy of children and guardianship. These disputes are taken up exclusively with a view to adjudicating them, not on the basis of an adversarial system but on the basis of conciliation and mediation. There are counselors and social workers nominated to assist the court. Many family courts are now functioning in India. The original demand for the family courts came from various women's organisations in the country who felt that there should be a law which would lay emphasis on conciliation and eliminate rigid rules of procedure and evidence.

Mediation Programme

Yet another attempt in this direction is the settlement of disputes without resorting to a court, through a programme of mediation, despite the fact that several attempts have already been made by individuals and organisations to initiate and sustain such programmes. I would like to narrate one experience of the State-sponsored mediation programme run in over 69 centres in Tamilnadu, the State where I come from. Socially conscious lawyers go to a place called Block Development Office located in rural areas once a week mostly on Saturdays or Sundays and are at the disposal of people who come with disputes. These include people who are poor and who cannot afford to go to Court or have disputes which are too minor to warrant going to Court. The other party to the dispute is asked to come for mediation. When the other party turns up negotiations are undertaken giving enough opportunity for people to talk out their grievances. Once a compromise is reached, the terms of the settlement are noted in writing and given effect to then and there as far as possible. There is adequate follow up action to ensure the durability of the settlement. So far, in

one Centre alone, 651 disputes have been brought to the attention of the lawyers among which 65% were settled by negotiation and 40% were settled without resorting to Court. This system of dispensation of justice is nothing new in the rural areas of India as disputes within a community used to be settled by the traditional institution called "Village Panchayat". These mediation centres are an attempt to revive this dying system of indigenous dispute settlement.

I feel that it is worthwhile for the participants of this seminar to consider the need for the formulation of state legal aid schemes in their respective countries should they not already exist. It is the basic right of every citizen of every country to demand and obtain legal aid and access to justice through the instruments and machinery of the state and it is the duty of the state to provide the same. The efforts of volunteers and organisations need not replicate what the state ought to be doing. They can concentrate on areas where their intervention is most required and meaningful.

Judicial Activism

The Supreme Court of India has laid down in its various judgments, more particularly, in its Judgment in *Hussainara Khatoon vs. Home Secretary* (1980 I SCC 99), that the right to free legal service to the poor and needy is an essential aspect of justice and is implicit in the fundamental right to life and liberty. According to the Judgment, the right to free legal aid should be granted to every person who is unable to engage a lawyer and secure legal service because of poverty and ignorance. The higher level judiciary in India has been playing a vital role in expanding the rights and liberties of Indian people through its various progressive judgments.

Public Interest Litigation (PIL)

"Public Interest Litigation" (PIL) or "Social Action Litigation" is a new type of litigation initiated by the Supreme Court of India to enable the poor and the disadvantaged sections of Indian society to approach the High Courts and the Supreme Court to enforce their fundamental rights. Mr. Justice P.N.Bhagwati who is the initiator of this new type of litigation says, "Public Interest Litigation is essentially a cooperative effort on the part of the petitioner, the public authority and the court to secure the observance of the Constitution and legal rights and privileges conferred upon the vulnerable sections of the community and to reach social justice to them".

At present PIL petitions can be filed in the Supreme Court under Article 32 or in the High Courts under Article 226 of the Constitution of India by public-minded persons, lawyers, social workers, journalists and voluntary organisations on behalf of the poor or members of the weaker sections of society. This is possible because of the new scope given by the Supreme Court to the concept of *locus standi*. According to the new interpretation, if the legal rights of an individual or class of persons are violated and, if by reason of poverty or disability they cannot approach the Court for judicial redress, any public-minded individual or institution acting in good faith, and not out of vengeance, can move the Court for judicial redress. The following cases provide classic examples of public interest litigation:

- the case of the Undertrials in Bihar exposing the plight of about 29,000 undertrial prisoners, who had served long periods of pre-trial detention;
- the case of the Bombay pavement dwellers in which the court saved 50,000 pavement dwellers from the demolition of their shacks by the Municipal Corporation;
- the case for the ban of harmful drugs by an Advocate and General Secretary of Public Interest Law Service Society (PILSS) in Cochin, seeking the ban of harmful and ineffective drugs;
- the case of Madras Slum evictions wherein the Supreme Court stayed the demolition of shacks in the slum areas of Madras City following a writ petition filed by a local advocate and a professor of social work;
- the case for giving alternative land to tribals where the tribal land was sought to be acquired without recourse to legal formalities;
- the case of the blinding of Undertrial Prisoners in Bhagalpur Jail where the prison administration of Bhagalpur Central Jail is alleged to have gauged out the eyes of 31 undertrial prisoners: the State was asked to pay compensation for the victims and action was taken against the officials responsible;
- the case of the Asiad Workers in which the Delhi Administration has employed over one lakh labourer through contractors for the construction of the Asiad Projects, and the government agencies and the contractors had no regard for the observance of the labour laws related to the contract workers.

Most of PIL's activities in the initial period included letters written by social workers, journalists, law teachers, lawyers, and civil liberty activists to the Supreme Court. These letters were accompanied by newspaper clippings or investigation reports and were converted into writ petitions and

admitted in the Supreme Court. In all the PIL cases the Court appointed advocates on behalf of the petitioners. When evidence in PIL cases was inadequate to prove the allegations narrated in the petition, the Court appointed commissions of experts to investigate the matter and to submit reports to the Court. In most cases the Supreme Court accepted the reports of the Commissions and passed orders to give interim or permanent relief to the petitioners.

Non-Governmental Legal Aid Organisations

Non-governmental legal aid organisations in India have played an important role in helping the poor secure their rights and develop legal resources. Hundreds and even thousands of voluntary agencies (VAs), Non-Governmental Organisations (NGOs), Social Action Groups (SAGs) and Non-Party Political Formations (NPPFs) have been involved in a wide variety of activities.

Broadly speaking the voluntary organisations in India can be classified as follows:-

1. Organisations involved in relief, welfare and charity.
2. Development-oriented groups
 - a. with or without community participation
 - b. with or without an awareness-creating component.
3. Mobilization / organization / and political education activities and groups.
4. Professional support groups including legal social action groups;
5. Non-Party Political groups; and
6. Network of Non-Governmental Organisations.

Among the above-mentioned categories many are working in the area of education, health, housing, environment, community development etc. As part of their programmes and activities they have resorted to legal struggles and legal action and have used law effectively. Let us consider the role of legal social action groups and legal professionals engaged exclusively in legal services programmes. This sector became active and prominent from the late 70's onwards. Such individuals and groups undertake action research, socio-legal studies to investigate specific human rights violations, run documentation and training centres, highlight the lacunae in law making and implementation, enforce the rights of the poor through courts, make the poor aware of socio-economic legislation and the rights they are entitled to, promote a massive legal literacy programme and a po-

litical dialogue about human rights, train paralegal workers and organise the poor thereby enabling them to cooperate with other groups to change law and society.

Paralegal Training

Law and legal services cannot be the exclusive prerogative of the lawyers and legal practitioners. Grass-root level community workers can play a very vital role in helping the poor and the disadvantaged to understand law and use it effectively to their advantage. In fact it has been the experience that lawyers do not have the time and energy to go to rural areas and exclusively work with the people and organise them on a continuous basis. Therefore, training and developing a cadre of grass-root workers as paralegals has become necessary.

Among the multifarious activities undertaken by the Legal Social Action Groups (LSAGs)/Legal Resources Groups (LRGs) in India the training of paralegals is given high priority.

The following persons are trained by these groups as paralegals:

- community workers;
- rural youth;
- social activists;
- representatives of specific disadvantaged groups such as tribals, Scheduled Castes, women, agricultural and unorganised labourers;
- young lawyers;
- law students;
- student volunteers; and
- trade union leaders.

They are either full-time workers doing paralegal work or engaged on a part-time basis in community work such as informal education, health etc.

Paralegal training aims at imparting basic knowledge on laws and procedures relevant to the communities with whom they are working and provides the required skills to conduct education programmes which create awareness of human rights, facilitate the formation of people's organisations, assist in mediation and conciliation of disputes and in preliminary investigations into cases to be fought in courts and tribunals.

A variety of methods such as lectures, songs, stories, plays, street theatre, puppets, case studies, group discussions, panel discussions, brain-

storming, role plays, field trips, practical work, exposure, simulation games, audio-visual aids including posters, flip charts, flannel graphs, photographs, slides, video and films are used.

These programmes range from three to 45 days. In Gujarat, the Rajpipla Social Service Society conducts paralegal training programmes for six months at a stretch. At Legal Resources for Social Action (LRSA) where I am working, a set of 25 activists from 25 social action groups are trained for three days every month over an 18 months period on every aspect of law and legal strategies affecting the lives of the rural poor. Our team also visits a set number of social action groups every month and trains all their field workers on issues they deal with in the field.

Legal Literacy Programme

Legal literacy is a prerequisite for enabling people to work collectively to understand law and use it effectively to their advantage. The majority of the LRGs/LSAGs are engaged in this education programme informing people of their rights through dialogue, publications in simple understandable non-legal vernacular language, picture story books, cartoons, posters, stories, songs, cultural programmes, street theatre, puppets, etc. Almost all laws in India are published in English. A considerable number of groups are engaged in translating these laws and relevant Court judgments into local languages. The Indian Social Institute, New Delhi, has produced many legal education booklets to cater for the needs of grass-root level workers in a variety of matters. This outreach programme is either carried out by the LRGs/LSAGs themselves or by working in close relationship with other grass-root level social action groups. Some groups also produce periodicals, catering for the lawyers, law students, social scientists and the intelligentsia. "The Lawyers" published by Lawyers Collective, Bombay, is an example. Similarly, "Legal Perspectives" a periodic documentation file, is published by LRSA.

Documentation and Research

The successful Legal Resource Groups in India possess good and adequate documentation centres. A wide range of published information on specific socio-legal issues and subjects are collected in these documentation

centres. They not only cater for their own programmes and staff but are also made available to grass-root level action groups, who cannot afford such an infrastructural facility. These documentation centres have generated timely and vital information on certain historic and momentous laws so that nation-wide debate could be initiated and sustained to challenge unjust laws and schemes and to lobby for law reform.

Legal research to evolve new legal concepts and alternative jurisprudence is very much needed to sustain meaningful structural legal aid. It will also create an environment for legal people to become jurists rather than mere practitioners of law. This will greatly enhance the potential of lawyers and social scientists in their struggle for a just, social, national and global order. Except for certain specialized and academic institutions, this socio-legal research is in its infancy in India. There are some groups making attempts in this direction.

Participatory Action Research

Participatory action research is also undertaken by Legal Resource Groups (LRGs). This supports and contributes to the efforts of individuals, groups and movements challenging social inequality and working towards the elimination of exploitation. It strives to play a liberating role in the learning process by promoting the development of a critical understanding of social problems, their structural causes and possible solutions. Persons involved in participatory action research have worked with landless labourers and small peasants, indigenous peoples, urban poor, women and workers. Both timely and innovative methods are used and the variations are endless.

Participatory action research is composed of the following inter-related processes:

1. Collective investigation of problems and issues with the active participation of the people.
2. Collective analysis in which people develop a better understanding not only of the problem but also of the underlying structural causes (social, economic, political, cultural).
3. Collective action by the people in identifying long term as well as short term solutions to these problems; and
4. Documenting these experiences so that people in similar situations could benefit from this process.

Lobbying for Law Reform and Promoting Changes in Law

In India, campaigns opposing unjust laws enacted by the State are not uncommon. Lobbying for reform of existing laws and proposing and agitating for new laws are also evident from the work of many groups. When a law was attempted to be introduced in the Parliament to curtail the freedom of the press by an enactment called "Defamation Bill", many sections of society raised their voice of dissent. The bill was ultimately withdrawn by the government. This was only possible because of the awareness generated by lawyers, jurists, journalists, action groups, people's movements, and the political parties. The nation-wide groups working for children's rights have drafted and produced a draft bill on children and urged the state to enact a law. Ultimately, the Indian Government has brought about legislation, of course, with many variations. Another instance of successful lobbying for a new law is that of the campaign for housing rights, carried on by the National Campaign for Housing Rights. The primary concern of this campaign is to make housing a fundamental right in the Constitution of India and to draft and propose a bill of housing rights which recognizes the democratic struggle of the people for housing and to secure a life of human dignity. Many women's organisations in the country have been through a sustained effort, able to pressurise the state to effect far reaching changes in the criminal jurisprudence and administration of justice so as to protect the rights of women. The amendments in the criminal procedure code regarding rape, dowry, domestic violence and enacting a law banning Sati are examples of such action.

Advice, Assistance and Representations in Courts and Tribunals and Before Administrative Authorities

A large number of Legal Resource Groups provide advice and assistance to litigation in courts and tribunals by offering the poor litigants, a lawyer to defend them or institute proceedings on their behalf in civil, criminal and administrative cases. However, there are groups which make litigation available if the case relates to larger community or class interests only, and not to individual or interpersonal rights. A wide range of labour disputes are often taken up by these groups. Much effort is made to represent the poor and disadvantaged groups before the administrative authorities where they are poorly represented.

Networking on Issues

A few Legal Resource Groups were successful in fostering networks of grass-root action groups, organisations and movements. This has been made possible because of the ability of the LRGs/LSAGs to establish and maintain close contact or links with the Social Action Groups which organise local, regional or national seminars/workshops and exchange programmes.

Protection of Human Rights

There are national and regional organisations in India working towards safeguarding civil and political rights and the rule of law. They not only educate people and influence public opinion on specific instances of human rights violations by the state or other bodies but also initiate legal and extra legal action checking the excesses and lawlessness by the state. They have instituted many fact-finding missions and exposed human rights violations, and have thereby made historic contributions to the prevention of the erosion of established democratic rights. An example of such an organisation is the Peoples Union of Civil Liberties (PUCL), which has nation-wide membership and is active throughout the country.

The Legal Profession

The legal profession has a particular responsibility to contribute to the establishment of the rule of law in such a way as to promote true development of the people. Lawyers can greatly assist this process of development by getting involved in all or any of the programmes and activities discussed so far as individuals, collectively as members of the Bar or as representatives of non-governmental organisations.

A majority of the lawyers in India, as elsewhere in the Third World, are serving the elite and moneyed sections of the people in the urban centres. However, there is a cadre of committed lawyers emerging who are either working full-time or part-time with legal resource groups, social action groups and peoples movements.

There is a tremendous effort made by the Legal Resource Groups to sensitize lawyers and encourage them to engage in legal services work. Particular attention is paid by these groups to motivate young lawyers and

law students to join legal aid programmes either on a full-time or part-time basis.

The Bar Council of India has been collaborating to some extent with the state legal aid programmes. The Advocates Act of 1961 and the Bar Council of India rules framed thereunder prescribe that it is the duty of the advocate in India to render legal aid. Rule 46 of the Bar Council of India reads: "Every Advocate shall in the practice of the profession of law bear in mind that anyone genuinely in need of a lawyer is entitled to legal assistance even though he cannot pay for it fully or adequately and that within the limits of an Advocate's economic condition, free legal assistance to the indigent and oppressed is one of the highest obligations an Advocate owes to Society".

The Bar Council of India has set up a National Law School with an innovative study programme and curriculum at Bangalore to ensure that legal education becomes relevant to the development needs and aspirations of the country. Poverty law and other human rights components are included in the curriculum. A new breed of lawyers with different orientations can emerge from such institutions of learning.

Conclusion

The legal aid movement in India and in other countries of South-Asia and South-East Asia has gained great momentum in the last decade. Human rights work is tremendous and immensely difficult. The issue goes beyond the territorial boundaries of countries and embraces all kinds of people. The battle to make the brotherhood of individuals and nations a reality has to be fought on both the domestic and international fronts. You and I as human rights advocates and members of human rights NGOs of the Third World have a large responsibility to help improve the situation of our people. There is a need for us to forge links both regionally and internationally to create a human rights NGO network to face this challenge. I am sure that the Seminar on legal services in rural areas in Africa will help us achieve this.

Legal Aid and Services to Women in Ghana

by

Akua Kuenyehia

Senior Lecturer and Chairperson, Legal Aid Steering Committee, International Federation of Women Lawyers Association (FIDA-Ghana)

Having worked for years on legal issues affecting women, two things have become obvious: the ignorance of women about their legal rights and responsibilities, and the inability of many women to pursue their claims or to obtain legal services due to inadequate financial resources. As a result of these constraints it was observed that many women suffer hardships which are unnecessary since adequate laws exist for alleviating such hardships.

In view of the above and in fulfillment of one of the long standing items on the agenda of FIDA-Ghana, we decided in the latter part of 1984 to establish a legal aid programme to provide legal advice and representation and to embark on programmes aimed at educating women on their rights and responsibilities. The target group was, and still is, primarily women who cannot afford to engage competent legal services. It was felt that in order to make the programme meaningful to the target group, legal services must be viewed as including counselling and other services not normally undertaken by a law office.

A five member steering committee was set up with myself as the chairperson whose primary function was to co-ordinate all activities undertaken by the Legal Aid Centre and to ensure a smooth running legal aid programme. These included: the preparation of a roster of legal aid officers on duty each week; an occasional evaluation of the programme with a view to improving the services being rendered to the target group, and; the identification of problem areas and their resolution before they become intractable.

Office accommodation for the programme was provided by the Ministry of Information and secretarial and other services by two staff members of the National Service assigned to the programme by the National Service Secretariat.

A minimum of three FIDA-Ghana members work as legal aid officers each week during the opening hours on Wednesdays from 3 to 6 p.m. Each legal aid officer provides counselling as well as court representation and any further service that might be required by the client. The programme encourages the development of a close solicitor-client relationship between each legal aid officer and the cases she personally handles, which often extend beyond working hours at the centre. In addition, a summary of each case handled is entered in a notebook at the end of the clinic day, indicating action taken in the matter. In this way others are able to resume the matter at subsequent dates without any inconvenience to the client. It must be emphasised, however, that when cases actually get to court, continuity of representation by the legal aid officer who started the proceedings should be ensured as far as possible.

The Legal Aid Programme is aimed primarily at the poor and indigent women and children of our society and, therefore, every applicant for legal aid at the centre has to undergo a means-test administered by the legal aid officer she sees in order to determine her eligibility for legal aid. Various indicators are used in order to make the above determination such as means of livelihood, level of education, marital status, number of children, approximate annual income, and the type of economic activity the applicant is engaged in. We realise that the test we use is not foolproof and it allows some people to obtain legal aid who strictly could otherwise afford it. We are constantly reviewing the indicators used in determining the eligibility of applicants for legal aid.

However, we are of the view that it is better for the occasional slip through by a person with sufficient financial means rather than turning away a poor woman.

Initially, when we set up the programme, we enlisted the help of the Department of Social Welfare and Community Development because of the nature of their work. They responded positively to our approach and through them we were rapidly able to identify a number of women needing help mostly with maintenance of children and paternity suits. The programme also works closely with the National Council on Women and Development, a development oriented state agency which, through their counselling department, refers quite a number of women to us for legal help. Gradually we have begun to forge a link between ourselves and other women's groups in the country. Since we are the only female legal group

we consider this link invaluable because via our co-operation with these groups, women's legal problems are referred to us and we are thereby able to identify the major legal areas that need to be examined and dealt with.

The programme has identified three categories of clients:

- a) The indigent client who applies for legal aid because she is totally incapable of securing for herself any form of legal services - such a client is only required to pay the required filing fees should her matter ever get to court.
- b) The client who is in regular employment but whose salary is just a little over the minimum wage or whose financial responsibilities are such that she cannot afford to engage the services of a lawyer - this category of client is requested to make a contribution, however small, to the Legal Aid Fund in addition to paying the required filing fees should her matter get to court.
- c) The woman of means who decides for one reason or another to have a FIDA member represent her. In this kind of case, the client is referred to a member of FIDA-Ghana who is in private practice and charges her client regular fees. The lawyer is expected to contribute one third of the fees she charges to the Legal Aid Fund.

The above categorisation enables the programme to fulfil its primary objective and to assist women in general.

The initial cost of establishing the programme was borne by FIDA-Ghana and an account was opened so as to keep the financial administration of the programme separate from the main organisation. Subsequent funding was acquired through fund-raising activities organised by ourselves and donations received from individuals and organisations. In 1987, however, the Christian Council of Ghana wrote our programme up as a project and secured some funding from the World Council of Churches (WCC). The WCC provided funding for 1987 and 1988 and we believe that they will also provide some funding for 1989, although we have as yet no confirmation of this.

In addition to providing legal services, the programme promotes the civic education of women in particular and the public in general on their legal rights and obligations. To this end, members of FIDA offer to speak to groups and institutions on current legal problems. Through the operation of the legal aid programme, we are able to identify areas of the law which prove problematic and direct our educational campaigns accordingly. Experience has shown us that it is not always possible to bring individuals belonging to the target group together in a formal setting for a seminar or

other like educational programmes. Our most successful efforts have therefore included instances where we have met with individuals of the target group at their places of work or have gone to their regular meeting places.

Between 1986 and 1988, we concentrated on consolidating the legal services rendered by the centre to the target group. Because of the small number of FIDA members actively involved in the legal aid programme, it has always been our policy to develop a strong support group for the programme in the form of legal practitioners and other professionals such as social workers, psychiatrists and psychologists, to whom cases are referred from time to time. It is hoped that eventually these professionals will be available for consultations on a regular basis during our clinic time. These professionals all provide services free of charge.

The programme also includes a number of legal practitioners especially outside Accra who handle cases for us free of charge. At the conclusion of each case, they submit a report to us indicating the outcome. It must be emphasised that without the help of this outside group, the benefit of our services would be limited since the programme is based in Accra but people come from all over the country to consult us.

The programme handles all types of legal issues and problems including divorce, child maintenance, custody, paternity, intestate succession and cases of discrimination against women in employment.

In response to the financial problem facing the programme, a special committee has been charged with exploring ways by which funds could be raised for the expansion of the programme to include the regional capitals so as to reach a greater number of women in need.

Apart from the problem of finance, the only other problem initially encountered was one of acceptability. Many people found it difficult to believe that a group of women lawyers would offer their services free of charge to the poor. Needless to say, after four years of relative success, we are beginning to gain acceptability. A major policy of the programme is conciliation which is one of the important means of dispute settlement at the centre so that in all cases that come to the centre, attempts are made to settle and it is only when settlement fails that the courts are resorted to. A large measure of our acceptability stems from our efforts at conciliation.

Fortunately we have not had any specific internal problems within FIDA since the establishment of the Legal Aid Programme. At present, the Steering Committee is actively engaged in exploring ways of linking law and development so as to make the empowerment of women more meaningful. This is because we are aware that providing legal services to the poor should not be an end in itself. It is true that women who are educated about their basic rights have been able to assert their rights and they are

more able to seek prompt assistance if any of their rights are violated. We believe however that unless we can link law and development we have not rendered our service to the community.

Our strategies for the future will therefore focus on a number of issues, namely:

- 1) Legal literacy - we are presently working on the outlines of a legal literacy project which will translate all the major legislation affecting women into the local languages together with the necessary commentaries. These will be recorded on audio cassettes for easy dissemination to the public. The more legally literate the women are, the easier it will be for them to assert their rights and seek redress when those rights are violated.
- 2) Secondly, since development involves a process by which resources are allocated for the social and economic benefit of society, we believe that it is necessary to link law and development in the sense of economic independence so as to improve the status of poor women in our society. To this end we have identified, through the legal aid programme, a number of women whose problems are compounded by the fact that they are not engaged in any income-generating activities for reasons such as lack of capital. We are presently identifying possible ways of engaging these women in a project which will aim at eventually making them economically independent. This way, it is hoped, the assertion and maintenance of their legal rights will become more meaningful.
- 3) In the future, we aim at setting up legal services projects throughout the country which will introduce or help strengthen self-help schemes through education and special training programmes for members and leaders of women's groups, co-operative associations and trade unions. We think that such self-help schemes will go a long way towards helping individuals and groups to fight for, or make better use of, their individual as well as collective rights - legal, political as well as economic and social.

To conclude, I wish to provide a brief presentation of the FIDA-Ghana Legal Aid Programme from January 1985 to June 1988. During this period the centre has dealt with approximately 500 cases. Due to the financial constraints on the centre, only cases needing attention beyond the first day of attendance are documented. Quite a number of clients come in for advice and information, cases which are not documented. Of the approximately 500, therefore, only a little over 300 are documented.

This is only a small beginning but it is hoped that as more women gain awareness of their legal rights and are able to participate in the economy and social development, empowerment through law will become a reality, thus enhancing the status of women in society.

Planning and Implementation of Legal Services in Rural Areas Projects: national group discussions

The Gambia

In The Gambia, the number of lawyers is very small, comprising 14 active and two non active private practitioners; 12 public practitioners; five members of the Judiciary and ten non-Gambian lawyers in the Civil Service. This is why those present decided that the first task was to form a National Working Committee. This would comprise representatives of legal practitioners both from private and public practice and members of the Judiciary; representatives of the African Centre for Democracy and Human Rights' Studies (ACDHRS); heads of Ministries and Departments; heads of NGOs; Presidents of the District Tribunals; leaders of the Women's Council and/or the Women's Bureau. The list is not exhaustive but particular attention should be paid to those who are really committed and are known to be public-minded. This Working Committee should be formed as soon as possible since there is as yet no project in The Gambia. Representation should include men and women.

When the National Working Committee has been formed, the next task would be to identify the area for a pilot project. Since The Gambia is a small country and we have only 5 Divisions it was agreed that the pilot project be based in the Western Division for easy access by members of the National Working Committee. The problem areas in that Division would then be identified. Members of the National Working Committee (either as a whole or a chosen few) would have to meet with the people of different villages and/or group representatives to identify the problem areas. Suggestions would then be made to the people to help them identify those who are to be trained as paralegals, especially from amongst those working with them

e.g. agricultural extension workers; extension workers from the Women's Bureau; NGO representatives; their Chief or their representatives such as District Tribunal Clerks; Commissioners; leaders of political or religious groups or representatives of agricultural labourers. These should be people they respect and listen to. The National Working Committee would have to work out the details of the number of paralegals to be trained in that Division.

Curriculum

When those to be trained have been identified, then, based on the results on the field trips (see above), the National Working Committee should draw up the curriculum. They would have to decide whether one workshop would be adequate and whether the pilot project should include several follow-up workshops before the paralegals are allowed to operate in the villages. The Law Reform Commission has already carried out research on "Land Law" in The Gambia and the Legal Status and Welfare Committee of the Women's Bureau has already carried out studies on The Gambia. These studies and many others that may have already been carried out could be used as a basis for training and follow-up.

There is also a need for the National Working Committee to liaise with non-governmental organisations (NGOs) to avoid duplicity. Moreover, workshops held by NGOs for their members e.g. Peace Corps, Gambia Women's Finance Corporation (GWFC), Family Planning etc. could be used to train more paralegals as these people actually live and work amongst the rural population.

Public awareness

Furthermore, the National Working Committee would have to work out a programme of activities to create public awareness about their rights and the rights of others - with special emphasis on women and children.

Thus, workshops and/or seminars for judges, lawyers, magistrates, cadis, District Tribunals, the Police etc., should include training on human rights. Moreover, sections in the Laws of The Gambia which emphasize human rights and the conciliatory approach e.g. The Matrimonial Causes Act 1988, should be emphasized.

Moreover, the Radio and Film Production Unit should be used as far as possible in order to promote public awareness in panel discussions; radio theatre productions; films of real events etc.

Funding

This should be provided locally as far as possible. The National Working Committee should approach lawyers, businessmen, The Gambia Law Foundation, the World Bank through the Women In Development project and any other bodies which could provide funds locally. At least it is hoped that the pilot project in Western Division should be made operational on local funds. Later, funding should be sought from other sources such as international organisations in order to fund the dissemination of news to the rest of the Country, e.g. The World Bank, UNDP, UNICEF etc.

Continuity

Firstly, the National Working Committee should make sure that this pilot project is followed up by monthly written reports from paralegals. Secondly, members of the National Working Committee as a whole, or some chosen members, should make spot checks, by visiting the pilot project areas frequently, on a monthly or quarterly basis, and produce written reports. It is from these reports that a future plan can be worked out for the next project - either further training or moving on to the next Division. This will also ensure that the rural people will remain enthusiastic and not lose interest in the project.

Finally, to ensure continuity, there has to be cooperation with other professionals and/or their organisations e.g. doctors and teachers to promote ideas such as law reform.

Ghana

The planning and implementation of programmes on legal services in rural areas (LSRA) cannot be practically planned at this workshop. Fortunately, the Ghanaian Delegation is composed of people who are already committed to providing legal services to the poor. Consequently, the LSRA programme is really an extension of services already being provided to the poor.

LSRA Committee Formation - its composition will include representatives from the Law Faculty, the department of Social Welfare, FIDA-Ghana, the Bar Association and other NGOs which are involved in providing services in rural areas. e.g. Integrated Rural Development Programme, NCWD etc.

The LSRA Committee will be responsible for the planning and implementation of the programme, drawing up the budget and other modalities.

The programme will be implemented initially by a pilot project and paralegals will be drawn mainly from the ranks of retired public servants, retired teachers, social workers and other opinion leaders in the community.

As already stated, the details of the programme and the implementation strategy will be planned upon the formation of the LSRA Committee.

Sierra Leone

The group hopes to start its planning with the formation of an LSRA Committee. Its first members would be us Members of the Sierra Leonean delegation at this seminar.

We want to launch the idea by reporting our experience from this conference to the general meeting of our own Bar Association which is our base and inform the lawyers about the idea so that even if they do not participate, they could fund part of it.

We would then inform the Ministry of Social Welfare and Rural Development through its Minister who is very active in development work in the rural areas. Both these reports would be broadcast on the radio together with organised interviews translated into different languages and used for the following purposes:

- a) *Educating* people generally - because it is new thereby removing fears from politicians, lawyers, chiefs;
- b) *Advertisement*;
- c) *Funding*; and
- d) Obtaining *Assistance* from other sectors.

Once the idea has been disseminated, we would launch our first Pilot Programme.

We have chosen a village called *Waterloo*. Why?

- distance;
- melting pot of two cultures;
- typical rural problems; and
- the Committee has chosen a *coordinator* who will introduce the commit-

tee/trainers to the people. He is literate in English and will liaise between us and the community and its future paralegals.

Orientation Meetings

- a) The purpose is to meet the people in groups and identify the particular problems in that area. Waterloo is a fishing village, Junction Village and a fancy area. Some of the problems would be land and/or marital/social disputes. Once we have identified the problem areas and gained the people's confidence, we will ask them to appoint persons who can be trained as a paralegal in the areas we have identified.
- b) At our second meeting we will screen the appointees, interviewing and selecting persons who from our own fact-finding mission are sufficiently interested, will be easy to train and be respected in the community. The date for the opening of the training programme will be fixed one month ahead;
- c) *Preparation* during this one-month period includes:
 - a) *Course Content*
 - 1) Constitutional rights in particular voting rights;
 - 2) Basic Human Rights;
 - 3) Introduction to the classification of the hierarchy of laws:
 - the structure of the court system
 - the structure of the State

Practical tips on arrest, bail, search and seizure.

Form of Training Programme

- the training programme itself will last intermittently over a two-week period;
- it will be run by us here and any other lawyers and community development workers whom we would have coopted by now;
- because we are full time workers, each of us will choose days we can take off work to run our own classes individually;
- the venue for the training programme will be schoolrooms to avoid any allegiance to any groups;
- the teaching materials we will be using consist of one background information pack which will be supplied to participants before the commencement of the seminar;

- the teaching method will include short lectures, illustrations maps/ plans and role playing; and
- at the end of the two weeks, we would evaluate the input by group case study and questionnaires.

Feedback

- our individual chambers will be accessible to all our paralegals for the resolution of more difficult problems in the field;
- after about three months in the field, we will return to the area and conduct an evaluation of the performance of our paralegals with the help of a questionnaire submitted to the people in their area;
- have they used the service?
- were they satisfied with the results?

From this data the committee hopes to assess its own teaching methods and decide whether there should be an extension of the programme on a larger scale/or run other pilot projects in other areas.

Nigeria

Preamble

Although there exists in Nigeria today several non-governmental organisations involved in human rights activities, a National Legal Aid Scheme and various government projects and programmes aimed at providing development and awareness to the rural community, there is presently no scheme providing for legal services in rural areas. It is against this background that it has been resolved to set up a Rural Development Legal Services Committee.

Composition of The Rural Development Legal Services Committee

Members of this Committee will be made up of members of all NGOs involved in human rights activities such as FIDA, Women in Nigeria (WIN), Rights and Humanity, civil liberty organisations, Human Rights Council of the Nigerian Bar Association, National Council of Women Societies, family law centres etc. Nigerian participants of this seminar will

constitute the first executive of this committee to give the scheme a proper direction.

Plan of action

It is the intention of the executive of the Rural Development Legal Services Committee (RDLSC) to persuade representatives of organisations to establish legal services committees within their own programmes. This will provide ready vehicles for the RDLSC to implement its programmes, as these organisations already have effective countrywide networks.

Paralegal staff

The committee intends to train as paralegal staff retired teachers, community and social development workers and community leaders.

Apart from training paralegals, the Rural Development Legal Service Scheme will also encompass the creation of legal centres, legal aid clinics, public enlightenment, research and documentation programmes.

The Committee also intends to involve the Centre for Women in Development, the Centre for Democratic Studies and the Institute of Human Rights and Education Documentation in the training of its paralegal staff.

National co-ordination

A national co-ordinator will be appointed to establish centres in all the states of the Federation, write reports and liaise with other regional and international LSRA groups.

Conclusions and Recommendations

Banjul seminar

The Seminar which was a sub-regional follow-up to the 1984 Limuru seminar on legal services in rural areas was to:

- make participants aware of their duty to rural and other disadvantaged people in the sub-region with regard to access to legal services;
- examine and compare the work of existing NGO legal resource groups in the sub-region, and increase the effectiveness of their work through the sharing of experiences;
- discuss strategies that would enable them to overcome their difficulties and to stimulate the establishment of new groups;
- introduce the methods used in providing legal services in other rural areas to the participants;
- encourage the training of paralegals as a medium for the provision of effective legal services in the sub-region; and
- stimulate the interest of the participants with a view to encouraging them to develop definite plans of action for implementation in their countries after the seminar.

To this end, the participants were provided with the background to the Limuru Seminar, its aims and objectives and a summary of the conclusions and recommendations adopted at that meeting. It was pointed out that the Limuru conclusions had included guidelines for some NGOs and groups, particularly in francophone West Africa, which had embarked on legal services programmes in their countries. The participants accepted the continuing relevance and importance of the Limuru conclusions and recommendations and they agreed to use them as a basis for action.

Further background resource information was provided to the participants of the seminar by experts from Senegal and India who spoke on their experiences in the conduct of legal services programmes and paralegal training schemes. A report was also given by a representative of FIDA-Ghana on their legal aid and services to women in Ghana.

The discussions on paralegals, which were introduced by the Indian expert M. Gnanapragasam, covered issues such as the possible role of paralegals in the sub-region, their pre-training qualifications, attitudes and characteristics, and the possible contents of the training curriculum.

It was agreed that a programme for the training of paralegals must aim at:

- the provision of information on the law in general and with regard to human rights in particular; and
- the provision of specific information about laws directly concerning the particular rural communities and the tasks required of paralegals.

The participants also discussed other forms of legal activity that a legal service programme could undertake in order to provide greater insight into the law. Suggestions were made with regard to the evolution of mediation and conciliation techniques, the establishment of legal relief centres, legal aid camps and offices, and the intensification of legal research and law reform programmes. It was agreed that in all these matters the interdisciplinary approach was to be the preferred method as the issues go beyond the concerns of lawyers only and must therefore involve other professionals.

To familiarise themselves somewhat with rural life in The Gambia, the participants undertook a fieldtrip to three locations in the countryside. The first was a visit to the District Tribunal at Brikama in the Western Division, a statutory tribunal applying customary law. At the time of the visit, the tribunal was hearing a family law dispute which highlighted the relevance and urgent need for legal services programmes in rural areas. The hearing generated a lively discussion among the participants about the best method for resolving such disputes and in particular whether conciliation techniques would not have been preferable to the adversarial approach witnessed at the tribunal. The second visit was to a technical training school also at Brikama built by youth of the area with the support of voluntary contributions. The third visit was to a women's vegetable garden project at Pirang.

On the final day of the seminar, representatives of the national groups presented their country reports identifying their strategies and plans of ac-

tion as a follow-up to the seminar. The reports envisaged the establishment of national committees for the coordination of legal services programmes in their respective countries. They stressed the importance of pilot projects within the context of national activities and expressed a desire to aim at self-reliance for the funding of the programmes.

Conclusions

1. The effective provision of legal services to rural communities, the poor and disadvantaged in our societies requires committed and dedicated people working hand in hand with the communities concerned.
2. Having regard to the busy schedule of lawyers and other legal resource persons, the use of paralegals as vehicles for the provision of legal services in rural areas in particular and increased access to law in general, is an urgent necessity. Steps should therefore be taken to train paralegals to serve also as a link between the cadres of legal services, interested practitioners, law teachers, human rights activists and the rural people.
3. The paralegals could be used in services designed to:
 - provide general education about the law;
 - help the rural people to resolve their conflicts and disputes through non-adversarial processes such as mediation and conciliation rather than through expensive court litigation which saps needed resources;
 - provide access to lawyers when necessary; and
 - guide, assist and lead the rural communities when necessary in their dealings with the public authorities.
4. A paralegal may play as many roles as possible. He could act as a teacher, mediator, counsellor or facilitator. Care must, however, be taken to discourage him/her from attempting to practise law illegally.
5. Anyone may be trained as a paralegal. However, the training schemes should target retired teachers, civil servants, members of community-based organisations, chiefs, local opinion-leaders and the like in particular. Of prime importance is that prospective paralegals must live within, emerge from, and identify with the rural communities themselves. Emphasis should be placed on volunteers, although, symbolic remuneration may be considered according to the particular locality.

6. For purposes of paralegal training, the participatory method of learning should be adopted and conventional classroom instruction should be de-emphasised. Thus use may be made of drama, sketches, simply-worded texts, visual aids, role playing, singing, meetings and games in which the trainees can participate. Appropriate test cases may also be employed. To reduce the overall cost of training activities, wherever possible, these should be integrated into existing rural training schemes such as adult education and literacy programmes.

7. The duration of the training should be based on the type of people to be trained, the resources available to the organisers and the time the trainees can devote.

8. The knowledge and skills to be imparted should include general information on the role and utility of law to society, the dynamics of the legal system, and the laws and practices affecting the particular community within which the paralegal will function. In addition, specialised paralegals may be given advanced training on specific laws. For example, paralegals operating among peasant farmers could be given instruction on topics such as land law, farm credit regulations etc.

9. The intensity of the training should in any event be dependent on the role expected of the paralegal who should at least be trained to have confidence and an analytic mind. The skills to be taught should develop his/her communication ability, capacity for logical reasoning and skills for the organisation of data and information.

10. There is a need for the legal profession to adopt a positive attitude towards paralegals by emphasising their role as facilitators and the links between them and the legal profession. This will ensure co-operation from lawyers without which legal services programmes cannot be realistically implemented. The training of paralegals should involve people from other professions.

11. Organisers of legal services programmes should, as far as possible, generate the funds for their activities including the training of paralegals from internal private services. Care should be taken not to become dependent on government or external funding.

12. The use of modest pilot programmes based on a survey of the area or community in which it is to be implemented, is recommended. This will

identify the needs of the community as well as the logistical issues to be taken care of for a successful programme.

13. Legal services programmes should provide for periodic evaluation, monitoring of the performance of paralegals and a general assessment of the impact on the community. This will further enrich subsequent activities.

14. National co-ordinators should be appointed to ensure that the commitments undertaken by the participants are realised in their respective countries upon their return and that the conclusions and recommendations of the seminar are widely disseminated throughout their countries. To this end the national groups attending the seminar appointed the following persons:

- a) The Gambia - Mrs Aminata L.R. Ngum
- b) Ghana - Mrs Dorcas Coker-Appiah
- c) Liberia - Mr Parlee B. Kweekkeh
- d) Nigeria - Ms Tolcunbo Akinola
- e) Sierra Leone - Ms Isha L. Dyfan

Recommendations

1. Participants from each country together with the co-ordinator should take steps to implement, without further delay, the Limuru and Banjul seminar conclusions by embarking on programmes providing for legal services in rural areas. To this end, steps should be taken early to set up national committees which will bring together all organisations involved in the provision of legal services under one umbrella.

2. The participants of the seminar call upon governments in the sub-region to give all necessary recognition and assistance to NGOs and other legal resource groups initiating legal services programmes.

3. The ICJ should facilitate a similar seminar in the sub-region in two years' time to evaluate progress made, exchange experiences and address common problems. To ensure the effectiveness of such a meeting, the ICJ should set in motion modalities to encourage the cross-national exchange of information on progress being made in each country in the sub-region through a Newsletter on legal services in rural areas.

4. At the invitation of the Sierra Leonean participants, the participants recommend that the five country co-ordinators should hold a meeting by the end of 1990 to ascertain efforts being made to implement the conclusions of the seminar and lay the ground for the proposed sub-regional meeting.

5. The participants commend the ICJ for its efforts in the realisation of programmes of legal services in rural areas in Africa and recommends that the Commission give consideration to providing further support in the form of resource persons to the paralegal training programmes to be initiated in the sub-region.

List of Participants

<i>Name</i>	<i>Particulars</i>	<i>Address</i>
GAMBIA		
Malang A. CAMARA	Senior Community Development Officer	Department of Community Development 13, Marina Parade Banjul
Pa-Louis GOMEX	Director	Christian Children's Fund Inc. Private Mail Bag 2 Banjul
Jainaba JOHM (Mrs)	State Counsel	Attorney General's Chambers, Ministry of Justice - Banjul
Joseph H. JOOF	Private Lawyer	64, Wellington Street Banjul
Aminata L.R. NGUM (Mrs)	AG. Master of the Supreme Court and Member Gambia Women's Finance Company	P.O. Box 2260 Serrekunda Banjul
Babung PHATTY	Commissioner	Commissioner's Office Brikama Western Division Banjul
Mary Mam Yassin SEY (Mrs)	First Class Magistrate	Kanifing Magistrates Court, Kanifing
GHANA		
Dorcas COKER-APPIAH (Mrs)	Private Legal Practitioner; President, FIDA-Ghana	P.O. Box 6192 Accra - North
Akua KUENYEHIA (Mrs)	Senior Lecturer; Chairperson, Legal Aid Steering Committee, FIDA-Ghana	Faculty of Law University of Ghana Box 70 Legon - Accra

Kofi KUMADO	Senior Lecturer in Law	Faculty of Law University of Ghana Box 70 Legon - Accra
H.J.A.N. MENSA-BONSU (Mrs)	Lecturer in Law; Member FIDA-Ghana	Faculty of Law University of Ghana Box 70 Legon - Accra
Nana NKETIA (Ms)	Legal Officer - REDCO LTD Secretary, Legal Aid Steering Committee, FIDA-Ghana	Post Office Box 12167 Accra-North
LIBERIA		
Parlee B. KWEEKEH	Private Legal Practitioner Former Deputy Director- General, National Social Security & Welfare Corp.	Cooper & Togbah Law 3, Buchanan Street P.O. Box 377 Monrovia
Sam G. RUSS	Law Student	Louis Arthur Grimes School of Law University of Liberia P.O. Box 2199 Monrovia
B. Mulbah TOGBAH	Legal Practitioner	c/o Cooper & Togbah Law; 3, Buchanan Street P.O. Box 377 Monrovia
NIGERIA		
I.O. AGBEDE	Professor of Law	Faculty of Law University of Lagos
Jadesola AKANDE (Mrs)	Professor of Law Coordinator of Regional Network of Women Law and Development	Lagos State University PMB 1087 Apapa, Lagos

Tokunbo AKINOLA (Ms)	Legal Officer; Secretary, Rights & Humanity	9 Hughes Avenue Yaba, Lagos
Lai MOHAMMED	Human Rights Activist	6-8 Ozumba Mbadiwe Avenue P.O. Box 5774 Victoria Island Lagos
SIERRA LEONE		
Beatrice O.E. AWOONOR-RENNER (Ms)	Senior Practising Advocate; Vice-President, Sierra Leone Bar Association	14 East Street Freetown
Isha L. DYFAN (Ms)	Private Practitioner	Wright Jusu - Sherif and Associate 18 Gloucester Street P.O. Box 220 Freetown
Marion MORGAN (Mrs)	Executive Secretary	Christian Health Association of Sierra Leone P.O. Box 1392 Freetown
Valesius V. THOMAS	Senior Lecturer in Law	Faculty of Law Fourah Bay College University of Sierra Leone Freetown
EXPERTS		
D. GNANAPRAGASAM	Lawyer; Coordinator Legal Resources for Social Action (LRSA)	B/69 Alegesan Nagar Chengalpattu - 603001 TamilNadu India
Malamine KOUROUMA	Lecturer in Law	Faculty of Law University C.A.D. Dakar - Senegal

Mamadou Alpha SY

Coordinator, Legal
Services Projects

African Network
for Integrated
Development
B.P. 12085 - Colobane
Dakar - Senegal

AFRICAN CENTRE FOR DEMOCRACY AND HUMAN RIGHTS STUDIES

Raymond C. SOCK

Solicitor-General and
Legal Secretary and
Director designate, African
Centre for Democracy and
Human Rights Studies

Attorney-General's
Chambers and
Ministry of Justice,
Marina Parade
Banjul

INTERNATIONAL COMMISSION OF JURISTS

Adama DIENG

Executive Secretary

International
Commission of Jurists
P.O. Box 120
1224 Chêne-Bougeries
Geneva
Switzerland

Bineta DIOP (Mrs.)

Administrative Assistant

International
Commission of Jurists
P.O. Box 120
1224 Chêne-Bougeries
Geneva
Switzerland

Part II

Harare Seminar

February 1990

Opening Remarks

by

*the Honourable Justice E. Dumbutshena
Chief Justice of Zimbabwe*

As a trustee of the Legal Resources Foundation it is my pleasure to be with you this morning on the occasion of the opening of the seminar on the theme of "Legal Services in Rural Areas" organised jointly by the Geneva-based International Commission of Jurists and the Legal Resources Foundation of Zimbabwe. As you have heard, participants have come from Botswana, Lesotho, Namibia, South Africa, Swaziland, Zambia as well as Zimbabwe. The experts who will assist in the deliberations have come from Ghana, India, and Senegal. This is the first such seminar in this region and I congratulate the International Commission of Jurists for taking the initiative and inviting the Legal Resources Foundation to assist in organising and presenting this Seminar in Zimbabwe.

The International Commission of Jurists has a long record of promoting human rights internationally. As an example of their work in our continent, an African Congress on the Rule of Law was held under the auspices of the ICJ in Nigeria in 1961. The Congress adopted a statement which became known in the history of human rights as the "Law of Lagos".

Paragraph (4) of the "Law of Lagos" stipulates that:

"In order to give full effect to the Universal Declaration of Human Rights of 1948, the African governments should consider the possibility of adopting an African Convention on Human Rights providing for the establishment of an appropriate tribunal with appeal procedures open to all individuals under the jurisdiction of the signatory states".

While certain Commissions were set up in the interim, it was twenty years after the adoption of the Law of Lagos before the African Charter on Human and Peoples' Rights (the Banjul Charter) was adopted. It received its requisite ratification (a simple majority of twenty six members of the Organisation of African Unity) in July 1986 and entered into force on 21 October 1986. It is a source of pride that Zimbabwe was one of the signatories which made the ratification a reality.

While the Banjul Charter stops short of enforcing human and peoples' rights through an African court on human rights, it does contain procedures for the protection and promotion of human rights. A Commission has been established. Article 45 of the Charter enjoins the Commission to perform, *inter alia*, the following functions:

1. To promote human and peoples' rights and in particular:
 - (a) to collect documents and undertake studies and research on African problems in the field of human and peoples' rights, organise seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights, and should the need arise, give its views or make recommendations to Governments;
 - (b) to formulate and lay down principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African governments may enact legislation;
 - (c) co-operate with other African and international institutions concerned with the promotion and protection of human and peoples' rights.
2. To ensure the protection of human and peoples' rights under conditions laid down by the present Charter.

It is in such areas of endeavour that the International Commission of Jurists, a non-governmental organisation with consultative status with the United Nations, UNESCO and the Council of Europe, has justifiably been awarded the first European Human Rights Prize (1980), the Wateler Peace Prize (1984) and the Erasmus Prize (1989). Mr. Adama Dieng, the Executive Secretary of the ICJ is on record as querying "What would be the use of just proclaiming a right if at the same time serious efforts were not made to set up the concrete conditions for its exercise? And in this respect the role of non-governmental organisations, both national and international, is one of the most valuable". I know that all the participants at this Seminar who represent non-governmental organisations would support this view.

Turning to the background of today's seminar, the essence of the concept of legal services in rural areas is for lawyers to cooperate with community-based grassroots development organisations to train "paralegals" in those aspects of the law which are relevant to the rural areas. Therefore, the premise on which the deliberations are based is that paralegals can play an important role in rural areas particularly in informing people of their rights under the law, helping them to assert and attain these rights and negotiating, when necessary, on their behalf and where appropriate, through a lawyer.

It is important to note here that the Legal Resources Foundation which was established by the Trust Deed in 1984 took cognisance of the total lack of legal services in rural areas in this country. The Trustees, while conscious of the necessity to increase legal aid in Zimbabwe and to supplement the assistance being given by the Government, were sufficiently pragmatic to appreciate that a non-governmental organisation could only provide limited services.

As the Legal Resources Foundation had originally been established as a Charitable and Educational Trust, the Trustees agreed that the thrust of the Foundation should be aimed primarily at the public through the medium of legal education. Legal education in this context is a part of adult education in its broadest sense as well as being an important tool of the development process of the country. Distinguished human rights activist, Professor Clarence Dias, President of the International Centre for Law in Development, has stressed that: "knowledge of one's legal rights permits a substitution of one's feeling of alienation, resignation and dependence by a new consciousness of one's dignity and rights - the essential condition for self-sufficiency".

Many seminars have been organised by the International Commission of Jurists together with local counterparts, on the subject of legal services in rural areas. These have been held in Dakar in April 1983, Tambacounda in April 1984, Limuru in October 1984, Lomé in February 1987 and Libreville in February 1988.

The time has come for the ICJ to focus on Central or Southern Africa to give us the opportunity to consider concepts which have been adopted in other parts of Africa and Asia and to seek common areas and standpoints from which to proceed in our attempts to assist the rural poor.

I would like to take this opportunity to thank the representatives of the Government, non-governmental organisations and international agencies some of whom are represented here today, who appreciate the value of the work which is being undertaken by the non-governmental organisations attending this seminar. Without this input none of us would be able to pur-

sue our objectives.

I would also like to thank the Government of Zimbabwe for supporting this seminar and to pay tribute to the President of Zimbabwe, His Excellency the Honourable R.G.Mugabe for his public statements on human rights, particularly on the occasion of the Judicial Colloquium of Chief Justices of Commonwealth Africa which I had the honour to convene in April 1989. In his opening address he said: "The importance of human rights both at domestic and international levels can never be over-emphasised ... Human Rights and fundamental freedoms allow us fully to develop and use our human qualities, intelligence, talents and conscience to satisfy our spiritual and other needs ... The universality of Human Rights is ... a principle which Zimbabwe cherishes".

I congratulate Mr. Adama Dieng and his Administrative Assistant, Mrs Bineta Diop, for the effort they have put into organising the seminar and, likewise, I wish to express appreciation to the staff of the Legal Resources Foundation and the co-organisers for their hard work.

I welcome again the participants from the region, the international consultants, as well as the local participants. I congratulate all of them on the fine work which they are doing in the interest of human rights in their respective countries.

I hope that your deliberations will be fruitful and successful and I equally hope that your recommendations will address the enormous tasks which lie ahead. I now have much pleasure in declaring this seminar officially open.

Legal Services in Rural Areas – The Experience of Zimbabwe

by

W.T. Manase

National Director, Legal Resources Foundation

Introduction

The majority of the population in Africa (approximately 80%) reside in the rural areas. Zimbabwe is no exception. In this country there are limited legal resources and legal services are inaccessible to the majority of the country's population. The Government alone cannot provide adequate services, in whatever sphere, to their fellow citizens. The services they provide have to be supplemented by those of non-governmental organisations (NGOs). In the area of human rights it has been proven that Third World NGOs have done good work. These organisations, due to a lack of resources and little support from their governments, undertake most of their work through projects and by working with people employed by other developmental organisations. The Legal Resources Foundation has played an important role in teaching the people about their rights. Most people in the rural areas do not know their rights at all.

The International Commission of Jurists has, together with many non-governmental organisations in the Third World, organised programmes on the provision of legal services for the rural poor. In the preface of a handbook on the training of paralegals, a report of a seminar held in TagaTay City, Philippines from 5 to 9 December 1988, Niall MacDermot, the then Secretary-General of the ICJ stated that:

"The International Commission of Jurists (ICJ) has been promoting a series of seminars in Asia, Africa and Latin America on the provision of legal services in rural areas, where the great majority of the population live. The purpose is to discuss how the rural poor can be provided with the basic legal services which more affluent people enjoy. These seminars are a means to persuade practising lawyers, law teachers and law students to inform grassroots development organisations on the way in which law can be used as a resource to help the rural poor".

In Zimbabwe, the Legal Resources Foundation has been providing such services to the masses since it initiated its work in July 1985. The following description provides an overview of the work of the Legal Resources Foundation.

The Experience of Zimbabwe

The Legal Resources Foundation, a charitable and educational Trust, was established in 1984. This followed a conference at the University of Zimbabwe at which participants discussed the provision of legal aid for the poor. The Foundation was registered by the Deed Trust in 1984 but it started operations on 1 July 1985. The Foundation has 14 Trustees including the Chief Justice of Zimbabwe, Hon. E. Dumbutshena, the Dean of the Law Faculty at our local University, Professor Reg Austin, the Vice-Chancellor of the University of Zimbabwe, Professor Walter Kamba, a High Court judge, Mr. Justice Ahmed Ebrahim, Bishop Mutume, the Chairman of the Catholic Bishops' Conference, social workers, teachers and lawyers.

The aims and objectives of the Foundation include the following:

- to initiate and support projects which promote the development of legal resources in Zimbabwe;
- to establish and maintain a law library or libraries to which all individuals and organisations in Zimbabwe shall have access;
- to train paralegal personnel and to provide them with support services;
- to promote public legal education;
- to contribute to legal research and legal publications;
- to assist in the training of law students, legal practitioners, persons holding judicial office, court staff and administrators;
- to support organisations which provide legal advice and assistance to the public;
- to initiate law reform; and

- to engage in, or provide assistance for, any related activities which, in the opinion of the Trustees, are likely to further the interests of law and justice in Zimbabwe.

We have managed, to our satisfaction, to make progress in all the objectives listed above but there is still room for improvement.

The Foundation undertakes its work through Legal Projects Centres. So far we have two, the Harare and Bulawayo Centres. A third one might be opened in Gweru soon.

The Paralegal Scheme of the Foundation

The paralegal scheme is the most important of the Legal Resources Foundation's projects. When this scheme was started by the Foundation, there were neither materials to which we could refer to nor information on where and how such a scheme could be implemented.

A blueprint was prepared and on the basis of various comments and contributions received, we were able to initiate a pilot scheme - 34 kilometers East of Harare in a place called Seke. The pilot scheme involved 14 paralegals whom we trained in selected topics of law based on chapters of a manual prepared by one of the lawyers of the Harare Centre. The pilot scheme ran for 16 months in Seke and was evaluated. It was the evaluation which led us to change a number of things we had previously done and to adopt practical methods which respond to the needs of the community we are to serve.

The recommendations were discussed by our Trustees and a committee was set up to consider the way we were to expand the project into new areas. The recommendations of that committee were adopted by the Trustees and are being implemented.

The scheme consists of the following stages:

1. Advice volunteers
2. Paralegals
3. Advice centres
4. Test case committee

The scheme is being implemented in Mashonaland East Province and in Matabeleland North Province, Zimbabwe.

The implementation consists of three phases. We are in the first phase. The second phase will see the project implemented in Mashonaland Cen-

tral and Matabeleland South provinces. In the third phase we will consolidate and improve what will be going on in these provinces. It is envisaged that after each phase an evaluation of the scheme in each province will be carried out. This helps us to evaluate whether we have achieved our objectives.

Advice Volunteers

In stage one we have people we call advice volunteers. These are people employed by other organisations, non-governmental or governmental. They are involved in developmental projects in the rural areas in which we are implementing this scheme. In this case we have drawn on people from the Ministry of Community and Co-operative Development, the Adult Literacy Organisation of Zimbabwe, the Zimbabwe Women's Bureau and the Association of Women's Clubs. We have done this by discussing the aims and objectives of our programme with the employers of these people.

It took little to convince them that the training we were to give their employees was an additional skill which would enhance their ability to assist people at the grassroots. Indeed this is the case and those who are involved have indicated that they have benefitted greatly as individuals.

The advice volunteers are community educators whom we have trained to correctly assimilate and disseminate information contained in pamphlets we produced at the Foundation.

The topics we deal with and which are contained in our pamphlets are as follows:

- i) Accident damages:
 - a) motor vehicle accidents
 - b) bus accidents
 - c) accidents involving cyclists and pedestrians;
- ii) Cash and credit sales;
- iii) The Legal Age of Majority Act;
- iv) The legal system of Zimbabwe;
- v) Marriage and the law;
- vi) Violence against women; and
- vii) Women and rape.

Once trained and having received their certificates, the advice volunteers will go into the areas they work in, and disseminate the information

contained in the pamphlets to the grassroots groups with which they work. They will also distribute pamphlets as a way of reinforcing what they have said.

In the two Provinces in which we are implementing this project we have 50 advice volunteers so far. The title 'Advice Volunteer' is known by us alone since we are the ones who employ them.

In our pilot scheme in Seke we made a grave error by using people who were unemployed. Due to a lack of resources on our part we met with problems when they started clamouring for payment. As it was a pilot scheme this was short-lived but the original paralegals voted to continue in the programme.

Refresher courses are held for the advice volunteers on a quarterly basis. During these courses new topics are introduced and problems they encounter discussed and rectified.

The first stage, the advice volunteer stage, focuses on legal education. This we thought vital because for people to identify a problem they must first know that it exists and must be familiar with its nature. The legal education programme enables people to understand problems they are faced with and can categorise them into the different areas of law. The only problem at present is that people are taking note of problems too late because some of the civil wrongs stand enshrined in the law.

Advice Centres

In the rural areas in which we are implementing this scheme we are to set up advice centres. These Centres are to be run by trained paralegals. The feasibility study leading towards the opening of these centres has been initiated but not yet completed. We are to finalise it next week, and envisage the centres to be operational before June 1990. In each Province where we are operating, three advice centres are to be opened.

The feasibility study we carried out was to establish:

- i) the nature of the legal and quasi-legal problems encountered in each area earmarked for the opening of the advice centre;
- ii) the existing infrastructure such as roads, telephone, availability of offices;
- iii) whether the people in the areas think this is a worthy project which could be regarded as an integral part of development; and finally
- iv) the availability in the area of possible candidates for training as paralegals.

The people earmarked for training as paralegals are people who have at least one 'O' level or who are former court interpreters and/or officials who are now retired. These paralegals, for logistic purposes, should reside in the areas where they will work. This we felt important for the following reasons:

- i) acceptability by the community they will work in;
- ii) good understanding of the problems in the area and community;
- iii) reduced need for transportation, accommodation and other expenses met by people working outside their areas of residence, etc.

The training which paralegals will get will be more intensive than that of advice volunteers. The training is based on a training manual we prepared for paralegals. Our paralegals will be paid. We decided to do this following recommendations of an evaluation report of the pilot scheme. Luckily we have recently secured funding for this. We seem to think that if we employ paralegals, the result we get from the scheme will be greater in value, taking into consideration their commitment.

We have Urban Advice Centres operating in the suburbs of Bulawayo and one in Harare. We have four in Bulawayo. All these are under the supervision of our Bulawayo and Harare Legal Projects Centres. The paralegals were trained and are functional.

The training manual for paralegals contains various topics of law which include:

- Custody of children
- Estates of the deceased
- Divorce
- Legal system of Zimbabwe
- Maintenance
- Marriage and the law
- The courts
- Referral agencies
- Unmarried mothers

We have also provided paralegal training to government social welfare officers who need this type of training because of the nature of their work. They come into contact with people from the grassroots who cannot afford legal services and could benefit from them. We monitor them and at the same time receive reports from them.

They are part and parcel of our paralegal scheme. 16 officers were

trained and work in the provinces where we are implementing this scheme.

Public Relations

In implementing this scheme, officials and politicians in the provinces had to be briefed about our scheme so that they in turn could rally people behind the project. This proved a success because the project was undertaken as an integral part of development work.

Had we failed to do this there we could not have succeeded because in newly independent states the people have to know any new face which comes into the area. Any project which does not have the blessing of the government will certainly fail.

Our efforts at public relations have certainly helped.

The Paralegal Lawyers of the Centres

The programme has to be closely monitored and the centres' paralegal lawyers have arranged visits to advise volunteers and future paralegals on an on-going basis. Monitoring serves vital purposes such as ensuring that the activities of the personnel fall within the parameters and scope of the project and assisting consultants in areas where the advice volunteers and paralegals cannot be helpful. Monitoring also serves to ensure that materials needed by the people implementing the project reach them in time. It is also the only way to fill the gaps between training days. For purposes of monitoring, the advice volunteers and the paralegals send us weekly or monthly progress reports covering the cases dealt with, the areas of law concerned and problem areas encountered.

We now have experienced paralegals with the right qualities to cope with the demands of this project. A paralegal must be patient, understanding, versatile in the vernacular languages and down to earth. These qualities certainly ensure the success of such a project.

The Test Case Committee

This is a committee set up by each centre and composed of the Director of each centre, the paralegal and three to four lawyers in active practice who volunteer their services.

The main aim of the committee is to consider court cases which emanate from the paralegal scheme and those referred to it from all quarters. These cases must be such that successful litigation will provide a benefit to the majority of the people. This occurs when the court establishes a precedent to be followed in similar cases in the future. The committee also considers all human rights cases brought before it and adapts them to court action where appropriate. No fees in such cases will be charged.

Planning Meetings

Every two weeks we hold planning meetings at the office where we involve even those who have nothing to do with the scheme on a day-to-day basis. We have found this very useful indeed.

Conclusion

This is the way our paralegal scheme operates in Zimbabwe. I must however point out that our legal education programmes are not confined to the two provinces we have chosen for the first phase of the paralegal scheme. They cover all sections of the country through our mass media programme i.e. the use of radio, television and our legal education programme in schools. The Foundation also carries out educational programmes on women's rights, co-operative education, programmes for law enforcement agencies and programmes for magistrates and prosecutors. All these programmes fulfill our role as a human rights organisation. We also have a Publications Unit which has greatly enhanced the work of the Foundation. All the training materials we have are to a great extent produced in-house.

The legal resources approach differs in many ways from conventional notions of legal aid delivered by professionals. Legal aid programmes designed and operated entirely by professional lawyers are limited to the provision of a narrow range of largely court-centred services to individuals (rather than responding to the needs of groups). The legal aid approach may provide access to law but it seldom encourages people to seek access to justice through law. The legal resources approach encourages people to seek both, if necessary, by helping them to understand their existing rights under law and devise their own strategies to bring about reform of unjust or inadequate laws.

The legal resources approach emphasizes concepts of legal self-reliance and interest-group advocacy. Legal self-reliance is to be achieved both through programmes seeking to educate specific poor communities about their rights, the laws and procedures relevant to their day-to-day activities so as to enable them to decide for themselves when and how to take recourse to the law and when not to. In order to break the legal profession's monopoly over legal knowledge and skills, community-based paralegals should be developed whenever appropriate.

The South African Experience of Legal Services in Rural Areas

by

Mohamed S. Navsa

Director, Legal Resources Centre, Johannesburg

Until recently very little thought has gone into how lawyers and para-legals could best make the law and legal procedures available to rural communities. In order to understand current thinking on how rural areas should be served, it is necessary to look at the development of public interest law in South Africa.

It is also necessary to understand that the black majority in South Africa is disenfranchised. Restricted to 13% of the land in South Africa, black people are at the mercy of a legal system that denies them fundamental rights. They are the victims of apartheid and they are the clients of public interest lawyers. State run Legal Aid has done little to make the law more accessible to people. Its budget is inadequate and it is viewed with suspicion by most black people.

In 1979 the Legal Resources Centre (LRC), South Africa's first private public interest law firm was created. It was set up with the object of providing legal and educational services to the public free of charge. The concern of the LRC has been to make the legal system accessible to the poor and disadvantaged. Its work is directed specifically to the needs of the black community and includes the promotion of strategies aimed at dealing with issues of particular concern. It has had some major litigation victories from which tens of thousands of people have benefited.

In 1981 community organisations from townships around Johannesburg including residents' groups, church groups, student movements etc. approached the LRC to request its members to assist them in addressing

legal problems in their areas. These groups were already involved in communities at grassroots level protesting socio-economic and socio-political conditions, running literacy classes, administering self-help schemes, organising bursaries, etc.

The LRC is unable to incorporate or finance these community organisations. It could however train community members as paralegals who could then operate community advice offices. The LRC undertook to provide a legal back-up service, and to litigate in matters referred to it by the advice centres. It would have lawyers available to respond to telephone calls and call in at advice centres regularly. In the beginning this did not present a logistical problem as the five advice centres served were not further than half an hour's drive from the LRC's Johannesburg office.

A training programme for paralegals was devised by the LRC at the beginning of 1982. It was based on the LRC's experience gained at various university legal aid clinics. The LRC also identified areas in which trained advice centre paralegals would be able to follow cases through to a conclusion on their own.

Over the years the training programme matured. It was the end product of interaction between LRC lawyers and advice centre personnel. Advice centres themselves organise and run workshops in their communities in an attempt to raise the legal literacy level and to prevent the kind of problems that are dealt with at their centres. The LRC has provided an advice office manual which serves as a basic reference and exercise book for paralegals.

The LRC's record of case intake reflects the advice office of origin. In addition, attorneys in the programme are assigned to particular advice offices which means that patterns of abuse and needs in specific areas are speedily identified. Naturally, in servicing advice centres a lawyer is required to undertake much routine work whilst identifying patterns of abuse.

The LRC found that co-operation with community advice centres as set out above was the best method to extend legal services at least in the urban areas. In 1984/85 fifteen urban advice offices saw 7,000 people of which only 488 were referred to the LRC for further assistance. At that time the Johannesburg offices of the LRC employed three lawyers, two law graduates and an administrative assistant in its advice centre programme. These statistics do not reflect the hundreds of people seen by LRC lawyers at advice centres when advice is dispensed without a file being opened. Most areas in and around towns and cities now have access to legal services.

Before the advent of a constant legal back-up service for advice centres, groups such as the Black Sash (a group which has been in existence for dec-

ades and which is committed to fighting apartheid in all its forms) used to operate advice centres staffed by lay advisers. Lawyers in private practice would on occasion lend a litigating hand.

Still, although there were agencies exposing conditions in rural areas and assisting communities with technical and other expertise, rural areas were from a legal services standpoint sadly neglected.

Since the advent of the LRC, other public interest law agencies have mushroomed. The Centre for Applied Legal Studies, Lawyers for Human Rights, the Black Lawyers Association, The Institute for Public Interest Law and other agencies have been established. Some of these agencies are now beginning to consider extending their services to rural areas. Universities are considering clinics based in rural areas.

Activities in the rural areas

Everyone who has an interest and involvement in public interest law and human rights knows that the demand is greatest in rural areas. There is, however, no consensus on how the problem should be approached.

In the past, when rural communities required a lawyer they made the trip to the closest town or city. Sometimes non-governmental agencies who worked with and were concerned about rural communities would contact a lawyer to assist them with whatever pressing problem they had. The problem may have been that the particular community was under threat of resettlement; the overall policy and processes involved in the massive state-sponsored removals of black people. The areas from which they are removed have often been occupied by them for generations and in some instances owned by them.

There was, however, no structure or system to make the law more accessible to people in rural areas. The LRC and other agencies have in the past assisted rural communities on an *ad hoc* basis. The LRC's Durban offices for instance, used to send lawyers out into the field to assist people in rural KwaZulu (a non-independent government-created homeland) to obtain pensions to which they were entitled but which were being withheld by an obstructive bureaucrat. The other offices of the LRC have in the past assisted communities to resist removals and have responded to needs in rural areas when requested and if resources were available.

Rural South Africa presents the following problems:

As is the case with most African countries a vast geographical area is a problem. Contrary to any other country in the world the South African

Government has fragmented the country in a unique and deplorable manner. Across the areas to be serviced lie several government-created ethnic homelands with different legal systems and status. Lawyers are required to research the law across these systems and areas. Very few libraries have all the relevant legislation available. Universities do not run relevant courses. Repression in the homelands is often greater than in the rest of South Africa. Lawyers often face harassment in these areas and language constitutes a further obstacle.

Since about 1986 the LRC used the advice centre model described above as one way of addressing the need for rural legal services. The LRC had grown to the point where it has offices in three provinces and six cities and a professional staff of 23. Each office is in some way called upon by rural communities to be of assistance.

Current LRC thinking is that perhaps we should cease travelling out to urban advice centres as these can contact us by telephone or can send a client in if the matter is urgent. This will imply that more time and resources can be allocated to rural areas where there is obviously a greater need.

Other ideas for streamlining the service have come up. Before travelling to a place called Louis Trichardt just South of the Zimbabwe/South African Border an attorney travelling by car would take five hours to reach his destination. He would spend the night in a local hotel and part of the following day at the advice centre counselling and taking on cases. The LRC has now been approached to service Messina in the neighbourhood of Louis Trichardt. Now if the same attorney would travel by car it would mean two days (and nights) away from the office and an exhausted member of staff the following day. The plan now is to fly along a regular route to Messina (close to the Zimbabwean border) and to hire a car to drive down to Louis Trichardt and back again and then fly back to Johannesburg. This could all be done in one day. The time and energy saved more than compensates for the travelling expenses incurred. We also foresee the day when a portable word processor could be used by an attorney servicing an advice centre, instituting litigation from the advice office and completing all his correspondence on the spot. Attorneys in private practice, practising close to rural areas could be approached to take on a quota of the cases brought to them by advice centres in their vicinity. A forum for advice offices set up by the communities themselves to pool knowledge, resources and generally to benefit from each other's experience would be a desirable development.

The cases brought to light and the patterns emerging from the provision of services to the rural areas depend upon where the advice centres

are situated. In most rural areas farm labourers are treated abominably and problems affecting farm labour tenancies arise. It is necessary first of all to litigate to teach farmers and white people in rural areas that they are not unfettered in the way they treat black people - even in South Africa. It is also necessary to litigate at times in order to reiterate principles that have long since been applied by the courts. It may be necessary to litigate to instill confidence in community advice centres.

It may also be necessary to litigate to establish principles. Farm workers do not have statutory protection in their working relationships. It is important to litigate to protect their few common law rights.

In rural areas close to or within government-created ethnic homelands one may encounter victims of homeland police brutality and an obstructive bureaucracy. Where for example a government-created homeland, may, in trying to balance its budget refuse its citizens pensions to which they are entitled.

Some employers have relocated their operations to homelands to evade the protection workers enjoy under South African labour legislation in some instances. There is thus a fertile field for exploitation.

The Prevention of Illegal Squatting Act is a particularly vicious piece of legislation. It is used almost exclusively against black people. Under this legislation local authorities and individual landlords have the power to evict squatters summarily. In both urban and rural areas land and housing are rapidly becoming the main field of involvement for public interest lawyers.

As the experience of lawyers in rural areas grows, so too will our efficiency. The rural legal services net could then be more easily spread across a wider area.

Publications aimed at rural communities, such as *Farm Workers and the Law* published by the Rural Legal Services Project (Books 1 and 2) are important. They help to increase the legal literacy rate and can be used by lay advisers.

It is imperative that community advice centres be assisted to the point where they can engage in preventive education; where community organisations themselves engage in educating their communities about their rights.

Another method employed by the LRC to extend legal services to rural areas is that of regular clinics in towns such as Driefontein and Amsterdam in the South Eastern Transvaal, approximately three hours by car from Johannesburg. These clinics are a heavier resource burden than the advice centre model but have, as is explained hereafter, made a significant impact. These clinics are run by the community and are visited by an attorney and

a paralegal from the LRC at least once a month. Labour tenant cases which were taken on through these clinics by the LRC and which were finally heard in the Supreme Court established principles relating to reasonable notice periods for tenants to vacate farms. These cases had the courts spell out protection for tenants during crop harvesting and in practice put a stop to the frequent abuse of the criminal courts by farmers to secure ejectment.

In my view, the adaptation and modification of the urban advice centre programme is the most effective means of extending legal services to rural areas. In South Africa today, the LRC, with a modest budget and 23 lawyers, has spread its net wider than thought possible.

As stated above the government's financial contribution to legal aid is pathetically inadequate. There are however, problems that can only be meaningfully addressed by the Government. For example, it is estimated that 80% of all accused who appear before our courts are unrepresented. There is a screaming need for a public defender's office. Such an office can only be set up with the support of state funds. The Government should be pressured into providing the funds. We should ensure that all indigents from urban dwellers to rural farm labourers have the benefit of legal representation in the criminal courts.

Those persons who are involved in rendering legal services to the poor in South Africa are acutely aware that we are treating merely symptoms in a society where wealth and privilege rest principally with white South Africans.

In order to address the developmental issues facing the country in any meaningful way, the majority of the country's citizens must have a decisive say in their destinies. Only then can the disease of racism and exploitation begin to be eradicated.

We do not believe that our task ends with the election of a democratic government. Our task will be similar to the tasks undertaken by other lawyers and agencies represented here, namely to ensure that avenues are created through which all our citizens can enforce their rights and seek protection. In this way we can ensure that our citizens are educated about these avenues and thereby ensure that democracy thrives.

One of the cornerstones of apartheid was that black people were sojourners in the cities of white South Africa and would, when their services were no longer required, be repatriated to ethnic homelands created by the South African government. Their entry and residence in the cities were controlled by statute. No black person was allowed into a city for longer than 72 hours. Certain exemptions were made and categories of people who could remain for longer than 72 hours were created. Although the homelands policy still continues, the South African Government, in 1986,

abolished influx control and accepted the permanence of urban blacks. Before influx control was abolished the LRC enforced the rights of black families to live in South Africa. The LRC's two most famous influx control cases are the Komani and Rikhotho cases; Komani N.O. vs Bantu Affairs Administration Board 1980(4) SA448(A) and East Rand Administration Board vs Rikhotho 1983(3)SA 595(A). Figures supplied in Parliament indicate that 60,000 people benefited from the Rikhotho case.

The LRC also litigated on behalf of the Brits community (7,000 strong) resisting attempts by the Government to remove the community.

The LRC has over the years contributed, through litigation in the industrial court, to the definition of "unfair labour practice".

In 1988, on behalf of a rural community in Namaqualand (400 km away), the LRC applied for communal land tenure restored in a place called Leliefontein, after attempts were made by a government department to divide reserves into separate "economic units".

It is not possible here to set out in detail all the litigation undertaken by the LRC.

**Rural Paralegal Training
in South Africa
A Case-Study of the Legal Education Action Project
(LEAP)**

by

Derrick Fine

LEAP Attorney, Paralegal Training and Resource Officer

The aims of LEAP

"Teach one to teach all". This is the aim of LEAP, the Cape Town-based Legal Education Action Project. We would like to share with you some of our experiences of rural paralegal work in another region of South Africa, the vast Cape Province.

Since the beginning of 1987, we have worked in many rural areas of the Cape with the main aim of rendering the law and legal services accessible to rural communities that face high levels of state repression. Our work essentially involves empowering these rural communities to resist political repression which has taken on the form of harassment, assault, entry, search and seizure, detention, imprisonment and even assassination.

To achieve this, we train paralegals from underserved rural communities so as to empower them as teachers to pass on their skills to others in their community - hence the slogan "teach one to teach all". We also run rural workshops to teach affected communities their basic legal rights, and we assist communities and organisations affected by state abuses with legal advice and legal action.

The staffing of LEAP

LEAP functions as a collective with six fulltime workers. One member is a fully qualified attorney, while the other five are paralegals who have been trained on the job. We are all involved in paralegal training and yet we all have specific responsibilities:

- our fieldworkers travel widely consulting and advising rural communities, undertaking follow-up training of paralegals and assisting in crisis situations which may or may not require litigation;
- our project coordinator assists in the drawing up and running of training programmes and maintains regular contact with the media and other service and resource agencies;
- our office-based worker maintains our filing system and sees to it that our paralegal publications are being updated and sent out to all rural communities;
- our attorney sees to the internal education of the paralegals in the project, prepares materials for publications and workshops, and liaises with practising lawyers who are active in the rural areas.

The target and purpose of LEAP training

We train members from rural communities selected by their community organisations for training. These organisations are often residents' and women's associations and youth or church groups. We then encourage trainees to use their skills by working inside their organisation as a paralegal, and by working in or with the local advice office servicing their particular community, should such an office exist.

Financial (and other) constraints and political repression hamper the existence of rural advice services. In some instances, paralegals have been forced to operate in a semi-underground manner in an attempt to avoid unnecessary exposure, as activists involved in paralegal work have often been viewed by the South African state as "subversive". Indeed, we too have been victimised as LEAP members and have been harassed, questioned, threatened, detained or even ordered out of rural townships because we are seen as a "threat to public safety" under the State of Emergency.

A more advanced level of our training aims to equip our paralegals for employment in law firms active in human rights and public interest law.

Unfortunately, and perhaps surprisingly, it is an uphill battle to persuade lawyers to employ paralegals and even to make proper use of paralegal resources. A possible explanation for this is that the presence of community-based paralegals, trained in more democratic working methods, poses a challenge to lawyers to reassess not only their own working methods, but also the structure of their legal practices.

There are of course a few notable exceptions, but by and large it has been our experience that lawyers tend to undervalue the vital community training and liaison role that a skilled paralegal can play. We have found that paralegals are able to go some way towards addressing the criticisms that rural communities level at progressive lawyers, for example:

- not taking time to explain laws, legal procedures and the consequences of legal action;
- being unable to speak the local African language or speaking in legal jargon that people struggle to understand; and
- not having the time or inclination to discuss other social, legal or political problems facing the community.

Paralegal skills

To equip paralegals to take on their training and advice-giving role, we have developed training programmes to impart the following essential skills:

- *knowledge of repression-related law and the legal process*: eg. police powers, the rights of detainees, how to make civil cases against the state;
- *practical legal skills*: eg. interviewing, advice-giving, statement-taking, evidence-collecting, interpreting;
- *how to work with lawyers*: eg. the structure of the legal profession, how to act as a link to overcome problems with lawyers;
- *community interaction skills*: eg. accountability to the community, ways of discussing problems and legal strategy with organisations;
- *teaching skills*: eg. workshops, roleplays, the use of charts and booklets, translations and summaries;
- *counselling skills*: eg. listening, problem-solving, how to give moral support and advice;
- *referral skills*: eg. how to refer rural communities to urban-based lawyers, doctors and other service/resource groups;

- *monitoring skills*: eg. how to do follow-ups, provide feedback, write reports, devise questionnaires and incident-sheets, and make contact with the media.

Training methods and lessons

Methods used for training include training courses ranging from a weekend to one or more months involving workshops, fieldtrips, and analyses of case studies together with newly trained paralegals. In order to accommodate the diversity of the rural population, our workshops are run, and publications disseminated in, up to four different languages. All workshops and training courses are, whenever possible, planned together with representatives from the community concerned.

Time is also allocated for written or verbal evaluation, which has often led us to adapt and develop the content and methods of our training programmes accordingly. We would like to share with you some of the lessons we have learnt:

- *accountability and pace of work*: we have found it very important to be accountable at all times to, and to move at the pace of, the community that one is working in. In this context, empowerment has meant taking direction from the members of the community with regard to their needs, and letting them make important decisions through their own representative structures on issues such as whether litigation is appropriate and whether publicity would assist them or on the contrary lead to further harassment from the authorities;
- *consistent follow-up work*: we have found that follow-up work is absolutely crucial for the consistent development of paralegals. We can all too easily sit back after a hectic and seemingly thorough training course and think that a particular area is now serviced because paralegals from there have been on the course. Our fieldworkers (together with those of other service organisations) have tried to return to all areas from which trainees have come, and to sit down with them to practically assess the usefulness of our training on their home terrain;
- *cooperating with other agencies*: we have found it extremely important to work in close conjunction with other service and resource agencies in our province. We are part of a rural training network which facilitates the sharing of ideas, resources and fieldtrips, so as to jointly address different legal, financial, medical, social and other needs;
- *developing participatory teaching methods*: we soon realised that formal

law school-type teaching methods were totally inappropriate for the training of rural paralegals and the running of community workshops. Through trial and error we have developed more participatory methods, involving people in discussion and action, for example:

- (i) One way is the use of *drama*. In one rural community where residents faced harassment and possible eviction from their homes, we participated in a play together with residents, in which we acted out the eviction process step-by-step. By means of a dialogue between a resident and a stubborn state official, all the questions troubling residents, and the likely responses thereto, were covered. The community response was electric. Suddenly the issues were real, and much discussion around legal and political plans of action took place after the drama;
- (ii) Another method is the use of *roleplay*. Here we would act out a real-life situation such as raiding a home and searching, assaulting, questioning and arresting the inhabitants. The community members/paralegals being trained would be the 'victims' and it would be up to them to decide how to respond. As facilitators of the workshop, we take the role of the police. After the roleplay, participants split up into small groups to look critically at how they responded in terms of their legal rights and, specifically, how they could improve on this in future situations and what follow-up action needs to be taken after such an experience;
- (iii) A further method is that of *problem-solving*, where participants are given practical problems to solve in pairs or small groups. For example, through discussion and with reference to paralegal booklets that are handed out, they have to work out a step-by-step plan to advise and give support to the family of an activist who has gone missing, and who it is feared is in detention or has been killed. This method encourages paralegals to take initiatives and to speak from, and draw on, their own often vivid experience.

An example of the training and community legal action process

We view the training of paralegals and the bringing of legal action against the state as part of the same dynamic process. To illustrate this we

refer to a typical example where a rural community was assisted in taking action to protect itself from severe state harassment and violence.

This particular rural community in the Eastern Cape Province, like so many other rural communities from late 1986 onwards, was suffering from the introduction of the South African state's strategy of 'black-on-black policing' ie. deploying hastily trained, barely literate and fully armed black special constables into black townships in order to control political resistance.

The LEAP project received several calls for help from residents of the affected township. Several residents of the township who had attended a paralegal training course, had begun to document the abuses suffered at the hands of this new occupying force, including assaults, shootings, rape, theft and intimidation. Members of the LEAP team travelled to the area in our 'legal ambulance' armed with a portable word processor, a camera and other materials necessary for taking statements and gathering evidence. Together with the paralegals from the community, preliminary evidence was collected with a view to obtaining an injunction to curtail unlawful police conduct.

After assimilating the evidence available, a return trip was made together with an attorney prepared to take the matter to court. A community meeting was called and, after an explanation of the various legal options and implications, the legal team retired so as to enable the community to decide whether legal action and media publicity was appropriate and, if so, in whose name the community's legal action would be brought. In the end an injunction was decided on and it proved successful, leading to a notable decline in unlawful police conduct. One policeman was jailed for contempt of court for contravening the court order.

Another significant spin-off was the extent to which the case helped to revive the spirit of political organisations in the area. It provided the impetus for the setting up of a community advice office.

The community paralegals played a crucial role in preparing the interdict. They took statements, found witnesses, interpreted where necessary and monitored the situation when the LEAP team and the attorney were absent. They were the vital link between their community and a previously largely inaccessible legal system, and, being activists drawn from local organisations, were fully accountable to their community.

The whole experience underlined the importance of ongoing legal education work in the rural areas and the long-term benefits of involving people from the affected community in working on their own case.

Conclusion

The training of paralegals is a long and bumpy road, yet it is a new and challenging terrain in a South Africa in transition. As fellow paralegal workers, you will all be aware that this process of empowerment is slow and uneven, yet most fulfilling and exciting when it bears fruit.

With regard to our slogan of "teach one to teach all" we have to admit that we have only reached some. But we continue to learn and develop with the knowledge that each paralegal trained is a firm building-block on the road to a post-apartheid legal order in South Africa. We say this because the whole process of paralegal training and intervention involves a grassroots process of sharing skills, building organisations, empowering the community and shaping a democratic legal culture.

Remarks on the Senegalese Experience with Legal Services in Rural Areas

by

Malamine Kourouma

*Lecturer in Law, University Cheikh Anta Diop
Dakar, Senegal*

Since 1978, the International Commission of Jurists (ICJ) has been very concerned about the flagrant situation prevailing in the developing countries where no less than 70% of the population is concentrated in rural areas, totally cut off from both:

- federal laws which generally turn out to be external standards (codified in a foreign language and manner); and
- the developmental process in which they are rarely enlisted as informed partners.

Starting in the 1970's, Senegal made a deliberate decision to effect an official and dramatic reversal of this trend¹. Hence, the participation of rural communities in Senegal's development passed from the realm of conjecture into actual fact².

1. See Law No. 72-25 of 19 April 1972 pertaining to rural communities.

2. See our statement to the Joint Seminar ICJ/FONGTO of Lomé, 1987 report, pp. 54 to 64.

However, "the impetus provided by the Government to guarantee the actual participation of the rural population still finds its path strewn with hurdles"³.

The objective of the project for legal services in rural areas, endorsed and supported by the Government⁴, aims specifically at dismantling these barriers.

Moreover, the following is now required:

- a) a proper assessment of the needs of the rural community in sociological and legal terms which must be conducted in collaboration with the rural population itself; and
- b) effective dissemination of the benefits of the paralegal project to its participants and to those associations that deal with the rural community to varying degrees such as grassroots associations, extension workers, administrative officials, local and foreign inter-governmental and non-governmental organisations and political authorities.

Once the above assessment and dissemination have been accomplished, these should lead to the implementation of:

- an appropriate paralegal set-up (making use of volunteers until ideal conditions facilitate the establishment of "professional para-legalism");
- the fulfillment of a specific social role, providing legal information including extension services, which are well-adapted to the particularities of the rural community; and
- the allocation of sufficient human resources (nationals and volunteers) whose imagination and generosity constitute the primary ingredients of the development of legal services in rural areas.

These are the lofty goals that the champions of paralegal services in rural areas in Senegal have set. At the same time, they continue to spare no effort to implement such services in practice.

That is no mean task. A recent evaluation of the operation of voluntary legal services in African rural areas⁵ pointed out all the inherent problems

3. Ibid, pp. 59 et al.

4. See President A. Diouf's Message to the Seminar in Tambacounda, 1984 report, pp. 6 to 9.

5. See our Department of Public Law at the Faculty of Rabat and the Association of African Political Scientists and Writers in early 1989, 1990.

of paralegal projects as a whole throughout Africa. These hardships involve "(...) political inertia (...) which still dispenses with democracy outright and (...) inadequate staff and machinery for the development of pilot projects (...) whose design, organisation and operation will fail to facilitate access to the "promised land" of participatory and liberating development at the humblest level"⁶.

Nevertheless, we must maintain our forward march with unwavering resolve and take a stand wherever this becomes unavoidable. There is no dearth of occasions in this matter.

In any case, in Senegal integral development at the grassroots level must also reckon with private initiatives in legal services in rural areas; all those concerned should offer their unconditional support to this initiative and make a genuine effort to prevent it from coming to grief.

Finally, turning to the pilot projects (which, subsequent to the one in the Tambacounda region, have yet to be extended to other areas, and specifically to the Saint-Louis district), they must be endowed with, *inter alia*, an internally organised system of coordination which is also guaranteed adequate wherewithal.

6. See President A. Diouf's Message to the Seminar in Tambacounda, 1984 report, pp. 6 to 9.

Planning and Implementation of Legal Services in Rural Areas Projects: national group discussions

Lesotho

We have restricted our report to the pilot scheme, the activities of one NGO and the University plan to be implemented in the very near future.

There are of course local organisations such as the Association of Women Lawyers, the Southern Africa Research Project and other NGOs working in these areas and we hope to work with them and seek their help. However, as far as we know, this scheme is the first rural area pilot scheme. We therefore do not, as yet, have a basic parent organisation through which to work.

The Matsieng Development Trust has already pioneered the setting up of an 'O' level course in Lesotho law which will be recognised by the Cambridge Board as of next year.

The Matsieng Development Trust has only just begun to plan a pilot socio-legal advice service in consultation with the community of the rural area of Matsieng, where we already have several agricultural, small industry, and service projects.

The Lesotho University representatives here at the conference have now offered to look into possible ways of working with us. They will be dealing especially with law students, research and other educational inputs.

The Trustees of the Trust have already decided to pursue the idea of such a project in a very active manner. They view a socio-legal service as being an integral part of our other activities in the area, with three main objectives:

1. To help empower local people in this rural area by providing them with the information they need on the laws and the legal system of Lesotho.
2. To increase awareness of the people's legal and human rights, in order for them to organise themselves to fight for those rights which have been denied to them.
3. To help both the Trust and the community become more aware of the levels of absolute poverty in the area and its root causes; to draw attention to the social problems of destitution, landlessness, single parenthood, widowhood, etc. and to give not only advice to such disadvantaged groups but also involve both the Trust and the community in setting up services to assist people in urgent need, both in legal and social problem areas.

We have already obtained the help and support of the local authorities, the chiefs and the village development council.

As we already work closely with representatives of the local high school, they have offered us the use of a classroom when required, and the local administration has offered us office space.

However, we still have to consult other groups e.g. women's groups, farmers' groups and others about such a scheme.

We hope the University will encourage the inputs of law students into the project. We already have one practising lawyer and two law graduates on our Board of Trustees, although they are both fully engaged in central and local government work respectively. One of the teachers at the high school who teaches 'O' level law is a law graduate and has already volunteered her services. We hope the school itself will become actively involved.

However, our main focus will be the community workers and the community itself. We plan to work with them to identify five or six people who live in the area who could be trained as community workers in this project. A training course, relevant to the stated objectives and the needs of the area will have to be devised and implemented. We would also enable village development council members to undertake the course.

Apart from the training of this specific group, we shall look for further courses, hopefully with the help of the University's Adult Education Extra Mural Department. For any interested community member such courses are to be focused on raising awareness of socio-legal rights as well as providing a discussion forum for such matters. Close continuing contact with the local authorities will be needed for such activities so that areas of interest do not overlap.

The main focus of the community socio-legal workers will be to advise individuals, families and groups, to impart knowledge and create greater awareness concerning the law of Lesotho, the rights of the individual as well as his/her community obligations.

When possible, these workers will offer problem solving skills to their clients in order to help people to help themselves.

We see this work as linking up with our other work in the area, providing support for the project whenever it is needed or requested.

We also plan to emphasise the need to better integrate the schools into the community and vice versa. This project could help do this by becoming the location of the training for such workers as well as for other related adult education courses and discussion fora.

We have therefore, so far, moved to obtain the co-operation and consent of the local authorities. We have secured offers of accommodation.

Further consultation and the setting up of courses for the first community socio-legal workers still remains to be undertaken.

When we are established - hopefully during the next six to nine months - we shall consider whether the University could undertake some research for us. We shall use our own field officers, three of whom live and work in the area as coordinators until such time as this project becomes self-sustaining.

We will hope to complete the rest of the initial work soon and set up our first training course.

We have been greatly helped by this conference and hope to receive on-going advice from ICJ representatives, from persons involved in projects which have just been initiated and projects which have been running for some time here in Zimbabwe and in South Africa, as well as other neighbours who have much more knowledge and experience in this field than we have.

We felt strongly that the project must always be related to the socio-economic realities of Lesotho, as far as the training programmes, the achievement of our objectives and the structure of our project is concerned, so that local communities involved in the project can gain greater awareness of these realities. Finally, as the philosophy of the Trust is centred around self-reliant development goals, we also wish to encourage these communities to take over the projects themselves as soon as possible. We would also hope to raise our own funds through income generating activities in which we are already engaged.

Namibia

Our position in Namibia is entirely different from that of other countries represented here due to the changes that are currently taking place in our country. The following provides an overview of some of the initiatives undertaken by the Legal Assistance Centre (LAC) for the year 1990.

1. We have set up a coordinating committee for our different advice offices that will have an educational task, simplifying and translating the Constitution of Namibia once it has been adopted. Our targets will be schools, churches, villages and urban areas.
2. We have also set up a committee consisting of our field workers to undertake research and collect data on Namibian customary law and court procedures that are unwritten, and devise a common court procedure for the different tribes.
3. Our main aim will be the promotion of legal literacy awareness in both rural and urban areas, the rural areas being our priority.
4. We have also organised a conference on the future Namibian legal system to be held from 16 to 18 February 1990; participants will consider the role of lawyers returning from exile.

This conference has really taught me a lot about ways of improving our projects and of promoting legal awareness in our communities.

I have also learned things that could be used in a post-colonial period, to avoid falling into traps that some countries have fallen into.

I have also learned that for a project to succeed you have to have access to the community, to encourage community initiative and involvement.

At the LAC we wish to have an exchange of people who have already started with their project so that they can share their experiences with people from the grassroots.

We are looking forward to networking with other organisations that already have existing projects as well as with those that have just initiated them.

South Africa

Introduction

We have found the seminar extremely valuable, a rich pooling of ideas and experiences.

It has also made us aware of the extent to which the South African situation is different from that of all the others discussed at this seminar.

For the foreseeable future we have to continue to focus our services and resources on human rights violations, particularly those occurring in the rural areas. In this context, the law will continue not only to be a tool to raise awareness but also a weapon of struggle, in the sense of defending and mobilising victims of state violence and lawlessness.

Expanding and improving our services

Within this framework, we are re-dedicating ourselves to intensifying the extension of legal services in rural areas. It is hoped that new initiatives will begin in addition to the multifarious projects and services involved in paralegal work. The National Association of Democratic Lawyers (NADEL) is aiming to expand its paralegal work to new regions of the country. Furthermore, a new paralegal training project is being set up in the Eastern Cape Province, a region that continues to be hard-hit by political repression. The seminar has motivated us to improve our paralegal training programme, drawing on the experience of Zimbabwe in particular, with its distinction between different levels of training for advice volunteers and paralegals.

Internal coordination

The seminar has underlined the need for greater coordination and networking between our service and resource groups involved in paralegal work *within* our country. This implies the consistent sharing of ideas, strategies and resources. At this stage two workshops are planned to facilitate this process: the Legal Resources Centre (LRC) and other service groups are planning a workshop on legal services in rural areas for the Transvaal, Orange Free State and Northern Cape Province areas in late February. The Legal Education Action Project (LEAP) and Black Sash (a women's human rights organisation) are planning a national workshop on the role and training of paralegals in Cape Town in mid-July.

Working with lawyers

We have also undertaken to intensify our working relationship with progressive lawyers in order to gain more active support from them with

regard to paralegal initiatives. The issue of legal services in rural areas is on the agenda of the Annual General Meeting of NADEL in early March and will also be discussed at a seminar for lawyers involved in rural areas of the Cape Province in late February. The aim of this approach is to encourage progressive lawyers to adopt alternative working methods and interact, in particular, with rural communities, in other words, moving away from more conventional methods and using trained paralegals to facilitate this process.

International contact

We warmly support active cooperation between countries and wish to make the chain of solidarity felt between us at this seminar a reality. We would be happy to share resources and experiences with representatives of countries about to embark on paralegal projects. We intend to continue to develop a reciprocal relationship with existing paralegal initiatives in Namibia and Zimbabwe. Ideas for carrying this out include inviting a paralegal from Zimbabwe to speak at our national paralegal workshop in July, and encourage members of LEAP to visit Namibia to assist with paralegal training there.

Swaziland

Phase I: Seminar for representatives from the Government and NGOs

We feel that a number of governmental and non-governmental organisations are involved in work related to what we have been discussing at this seminar. In view of this we would like to begin by organising a seminar which will involve participants from these organisations. The purpose of this seminar is to share ideas so that we can come up with a more reasonable and firmer proposal.

Examples of organisations to be represented at this seminar include:

- a) Family Life Association
- b) Swaziland Federation of Trade Unions
- c) Swaziland Council of Churches
- d) Swaziland National Association of Teachers
- e) Extension workers from the Ministry of Agriculture

- f) Swaziland Association of Lawyers
- g) Women in Development

Phase II: Tentative Pilot Project

a) Structure:

This is to be temporary due to difficulties of sustained funding. The department of law at the University will provide the initial resources.

b) Topics to focus on:

- i) Marriage laws
- ii) Legal status of women:
 - credit facilities for women;
 - acquisition and disposal of property; and
 - succession

c) Resources

- university students, especially during the May-August vacation;
- private law practitioners; and
- Swaziland Association of Lawyers.

Zambia

The Law Association of Zambia has under it a number of committees through which it intends to promote awareness among our disadvantaged groups, be they rural or urban. One such committee is the Citizens Advice Bureau which presently has two fully qualified lawyers working on a full-time basis. These are helped by volunteer lawyers if and when necessary. We have not yet started training paralegals to assist them but we could embark upon such a scheme if funds permitted. At the moment, the Citizens Advice Bureau is only operating in Lusaka. It is our intention to open an office on the Copperbelt as and when funds become available. The Chairman of the Advice Bureau, Ben Ngenda has in fact been to Zimbabwe to observe the operation of the Legal Resources Foundation.

Another committee of the Association which is relevant to this discussion is the Women's Rights Committee. After this experience we have great hope in the training of paralegals in cooperation with the Non-Governmental Coordinating Committee (NGO CC).

The NGO CC

The NGO CC was established after the End of Decade Conference so as to implement a plan of action aimed at examining the Nairobi Forward Looking Strategies - the Arusha Declaration - and our own programme of action.

The above task would be achieved through the following objectives:

- a) Coordinating and collaborating with all NGOs so as to avoid duplication of efforts and resources;
- b) Conduct seminars and workshops and other training sessions so as to improve management skills;
- c) Disseminate information so as to create awareness about our rights and any other relevant legislation;
- d) Set up a documentation centre for the further enhancement of knowledge.
- e) Promote advocacy and encourage pressure groups, particularly for the small NGOs working at the grassroots.

Future Plans

The NGO Coordinating Committee has embarked on the organisation of a seminar in conjunction with OEF International on Women Law and Development in the very near future. We envisage to train women in teaching techniques and thereafter address the rural masses on laws pertinent to their day-to-day lives ie. law of succession, human rights etc.

Although our programme places emphasis on promoting the awareness of women, most meetings are attended by both sexes.

It is our hope therefore that we continue to work with the Law Association of Zambia and other relevant organisations in order to share expertise and pool our human and financial resources so as to establish the paralegal programme.

Conclusions and Recommendations

Harare Seminar

Introduction

It was generally agreed from papers presented that on average 80% of the population of the countries represented live in rural areas. The majority of these people in rural areas are:

- ignorant of their rights;
- lack formal education;
- have no access to legal services;
- are too poor to pay for them; and
- are liable to exploitation.

It was felt that there was an urgent need to teach rural dwellers about legal and human rights, in order for them to defend themselves and become self-reliant. This, it was agreed, augurs well for development.

The participants of the seminar identified the best methods of providing legal services to the rural poor. It was generally accepted that governments cannot alone provide these services and in some cases, such areas are not seen by governments as being priority areas. Non-governmental organisations and other developmental organisations involved in implementing projects in rural areas should join hands in providing such services to the rural poor.

It was also agreed that no organisation can single-handedly implement such projects, hence the need to co-operate with other agencies, and in the process, train their personnel by teaching them additional skills in legal knowledge. They may then, in their day-to-day tasks, disseminate the in-

formation so as to promote awareness of people's rights among the rural population.

Conclusions

Achieving objectives

The means for empowering the rural poor to become aware of their rights were identified as follows:

- educating the people about the law and their rights;
- educating people to resolve disputes and conflicts among themselves without resorting to expensive court processes;
- providing access to lawyers where there is real necessity;
- providing access to courts, assistance agencies and educating rural people on the role of each and every assistance agency in the country;
- setting up Advice Centres to be run by properly trained paralegals who will operate within a given framework, and within a code of ethics;
- using lawyers, adult literacy teachers and counsellors in this process.

It is only through these identified areas that the legal profession in different countries could focus on the basic needs of the rural communities, and move away from the idea that the implementation of such projects would threaten the work of the profession. Furthermore, it was noted that once people understand their rights and the existing laws, the attitude of distrust towards lawyers will be eradicated among the rural poor.

Content and method of educational services

It was agreed by participants that schemes providing legal services to rural areas should focus on the following:

- the provision of basic general information about the law applicable to all people;
- the provision of specific information about laws affecting particular communities within a country. Different communities face different problems which are governed by different laws, and emphasis must be placed on legal information which caters for specific problem areas.

Basic general information about the law was defined as:

- i) the laws which touch on individuals in their day-to-day tasks and the reasons why the law has to be obeyed;
- ii) fundamental human rights provisions enshrined in constitutions, and where there are no constitutionally entrenched human rights provisions, recourse must be made to those universal rights enshrined in international documents such as the African Charter and the United Nations Covenants.

Specific information was defined as information in respect of those laws which mostly affect particular communities, and might not be problem areas applicable in all countries, such as laws relating to land, maintenance, succession, etc.

Participants agreed that the methods used for training paralegals should be similar to those used for training or educating communities themselves, and should include the following:

- roleplays, drama and popular theatre;
- problem-solving and brainstorming sessions;
- field trips and investigation visits;
- the use of case studies;
- pamphlets, training manuals and other publications;
- interviewing, observations and practice sessions; and
- evaluation.

Recommendations

Organisation

The seminar recommends that participants from each country should establish organisations to champion the provision of legal services in rural areas. The form these could take cannot be prescribed as situations differ from country to country.

It was, however, agreed that whatever organisation is formed, a coordinated effort should be undertaken with non-governmental organisations, church organisations, law schools, etc. No model was recommended, but countries could borrow from others if they think a specific model existing in another country may apply to them.

In order to devise a sound programme, participants felt that pilot projects should be implemented and evaluated to assess impact, and to determine if the selected methods suit conditions existing in each country.

It was suggested that National Committees for the provision of legal services in rural areas be established, but some countries already implementing such projects felt there was no need for such committees as the work was already being done. It was, however, agreed that where legal service projects are to be set up, such committees could be established.

It was agreed that a chain of solidarity be established as a future network for the whole of Africa. Co-operation between African colleagues is crucial if useful models are to be established rather than importing models which are of no assistance. This can be used as a forum to exchange ideas, request assistance from friends within the network, and encourage countries such as Malawi and Mozambique to establish such organisations.

It was therefore proposed that an association be established to operate as an umbrella organisation for paralegal organisations. The name of such an organisation is yet to be finalised, but might be called the Paralegal Association (or Network) of Southern Africa.

Recommendations relating to the association were as follows:

- that membership of the association be open to all organisations recognised by the ICJ and involved in the establishment of paralegal schemes/projects in Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe;
- that the objectives of the association shall be:
 - a. to encourage a chain of solidarity among paralegals in the region,
 - b. to assist in the promotion of paralegal projects in Southern Africa through the exchange of information regarding such projects, and the organisation of regional training seminars,
 - c. to help the development and coordination of paralegal organisations in countries in Southern Africa where paralegal projects do not yet exist,
 - d. to promote human rights through the framework of legal services;
- that each country represented at the seminar informs the ICJ within a specified time period of the name of one person appointed to be their representative on an interim committee;
- that the interim committee be responsible for the following:
 - a) the drafting of a proposed constitution;

- b) the convening of a regional meeting, by June 1991, of representatives of paralegal organisations to:
- adopt the constitution plus any agreed amendments to it;
 - evaluate/assess progress made in the establishment of projects in Botswana, Lesotho, Swaziland and Zambia;
 - investigate the possibility of encouraging the establishment of paralegal programmes in countries not represented at the Harare seminar.

It was further noted that it was important for paralegal organisations and other interested parties to work towards obtaining legal recognition of paralegals within the established legal systems. This would give additional meaning to the work of paralegal programmes and to the proposed association.

Use of voluntary services and personnel employed by other developmental organisations operating in areas where the projects are being implemented was seen as a way of saving on much needed but scarce resources. The training of such persons should be considered as a way of promoting additional skills among those who are already involved in development projects, but employed by other organisations, in order for them to be effective in their day-to-day tasks.

Paralegal services in rural areas should recruit competent managerial staff capable of presenting good project proposals acceptable to funding agencies. Organisations which operate as "one-man shows" were discouraged, since they can be used as avenues for fraud and deceit.

Test case committees were encouraged to assist in cases which will have a greater benefit for disadvantaged communities. Lawyers should be encouraged to participate in these without asking for fees, as a contribution to community work.

The Paralegal and the Programme

It was formally agreed that paralegal programmes should have an educational and a problem solving/advice component.

People have to be educated on their rights first in order for them to realise that they have a problem. They should, using the education received, be able to identify a problem and know how to solve it.

Paralegal programmes should therefore address the following:

- educating the public on the basic laws and their rights;
- securing mediation and reconciliation in areas of dispute;

- carrying out referrals to existing agencies which can provide practical solutions to problems.

Paralegals and Qualifications

Paralegals should be selected from respected community-based leaders or members. Criteria for selection include: acceptability to the community with which they work, understanding of the prevalent problems, and level of education.

The paralegal may be a volunteer, a person employed by another organisation and involved in development work with grassroots communities, or a paid employee of the paralegal organisation. They must be people who can represent the community. It was also thought important that the initiative to select and send a paralegal for training must come from the community.

Fieldworkers were thought ideal for positions as paralegals. It was noted that there need not be any formal training for these cadres, but that they must be able to teach the community about their rights.

Research and Law Reform

It is necessary to address the demands of rural people in respect of the law. The importance of collecting data was stressed, and it was suggested that the overall realities of the peasant communities be taken into account in the process.

The data collected should be categorised and the statistics used to accommodate the law for the benefit of the majority. It was proved from the experience of individuals already doing this that such programmes can assist in the process of law reform.

Training of Paralegals

The training of paralegals should be undertaken jointly by persons from rural development non-governmental organisations, practising lawyers from local bar associations or law societies, and university staff or senior students, who should together draw up the training programme. They may be assisted in the training by others, such as community leaders, social workers, customary court officials, serving or retired judges or magistrates.

The training should be based upon research into the problems and needs of the rural population concerned, and discussions with them.

The nature and the content of the training programmes will depend upon the prospective functions and level of education of those to be trained. The programmes may vary from one to two-week courses, repeated periodically for persons selected from the village. In general, programmes will include training in the basic principles of law, human relations and civics.

Those being trained may visit and attend court sessions to have some practical knowledge of court procedures. The education of paralegals, like that of the rural population, should be essentially practical and related to their experience or the work they will undertake.

Finally, the seminar resolved that the participants from each country and organisation should undertake and implement the conclusions and recommendations of the seminar in their respective countries. The hope was expressed that the ICJ, and countries themselves, will organise or help to organise similar seminars in countries embarking on the implementation of such schemes. It was agreed that this would give credibility to the newly established schemes and organisations involved.

As an extension of this discussion, it was strongly felt that the approach of negotiations, rather than confrontation with governments should be encouraged, lest the projects be considered subversive.

List of Participants

<i>Name</i>	<i>Particulars</i>	<i>Address</i>
BOTSWANA		
A. Rahim KHAN	Attorney	P.O. Box 1884 Gaborone
Ewetse T. MALAKAILA (Mrs)	Attorney	Private Bag X01 Gaborone
Omphemetse M. MOTUMISE	Staff Development Fellow	University of Botswana P. Bag 0022 Gaborone
Peter TAKIRAMBUDDE	Human Rights Activist	P. Bag 0022 Gaborone
LESOTHO		
Neile A.M. FANANA (Ms)	Advocate	National University of Lesotho Mailroom 245 P.O. Roma 180
Gwendoline M. MALAHLELA (Ms)	Director of Institute of Southern African Studies	National University of Lesotho P.O. Roma 180
Patricia OZANNE (Ms)	Executive Trustee	Matsieng Development Trust P.O. Box 1 Maseru 100
SOUTH AFRICA & NAMIBIA		
Derrick FINE	Attorney; Paralegal Training Officer	Legal Education Action Project (LEAP) University Cape Town Private Bag Rondebosch Cape Town 7700

Foibe Luise JACOBS (Mrs)	Paralegal	Legal Assistance Centre P.O. Box 604 Windhoek 9000 Namibia
Mohamed S. NAVSA	Director	Legal Resources Centre P.O. Box 9495 401 Elizabeth House 18 Pritchard St. Johannesburg
Nomazizi RAMAPHOSA (Mrs)	National Co-ordinator	National Association of Democratic Lawyers (NADEL) P.O. Box 3934 Johannesburg 2000
SWAZILAND		
Philip K. AMOAH	Professor of Law	University of Swaziland P/B Kwaluseni
Zodwa MASUKU (Ms)	Lecturer	Ngwane Teacher's College P.O. Box 474 Nhlangano
Jerome M. NDZINISA	Deputy Commissioner for Cooperative Development Ministry of Agriculture and Cooperatives	Box 162 Mbabane
Nomthetho SIMELANE (Ms)	Lecturer in political Science	University of Swaziland P/B 4-Kwaluseni
ZAMBIA		
Rodger CHONGWE	Lawyer	P.O. Box 31190 Lusaka
John Mubanga MULWILA	Lawyer	University of Zambia Box 323 Lusaka

Christine Y. NG'AMBI (Ms)	Social Scientist	NGO Coordination Committee P.O. Box 378 Lusaka
Julius B. SAKALA	Chairman, Law Association of Zambia	P.O. 70848 Ndola
ZIMBABWE Israel CHILIMANZI	Lawyer	Harare Legal Projects Centre P.O. Box 918 Harare
David COLTART	Director	Bulawayo Legal Projects Centre 94 Fort Street Box 1131 Bolawayo
Elisabeth LAPHAM (Ms)	Legal Officer	Catholic Commission Justice and Peace P.O. Box 8493 Causeway - Harare
Wilson MANASE	Director	Harare Legal Projects Centre P.O. Box 918 Harare
Julie STEWART (Ms)	Lecturer	Department of Private Law University of Zimbabwe PB 167 MP Harare
Amy TSANGA (Ms)	Paralegal Lawyer	Harare Legal Projects Centre P.O. Box 918 Harare

EXPERTS

Malamine KOUROUMA	Lecturer in Law	Faculty of Law University C.A.D. Dakar - Senegal
Kofi KUMADO	Senior Lecturer in Law; ICJ Member	Faculty of Law University of Ghana Box 70 - Legon Accra - Ghana

OBSERVERS

Penelope E. ANDREWS	Advocate of the Supreme Court of South Africa & Lecturer, La Trobe University	Department of Legal Studies La Trobe University Bundoora Vic 3083 Australia
Frances CHINEMANA (Mrs)	Paralegal Consultant	Harare Legal Projects Centre P.O. Box 4135 Harare

LEGAL RESOURCES FOUNDATION (LRF)

Eileen SAWYER (Ms)	National Administrator	Legal Resources Foundation P.O. Box 918 Harare - Zimbabwe
--------------------	------------------------	--

INTERNATIONAL COMMISSION OF JURISTS (ICJ)

Adama DIENG	Executive Secretary	International Commission of Jurists P.O. Box 120 1224 Chêne-Bougeries Geneva - Switzerland
Bineta DIOP (Ms)	Administrative Assistant	International Commission of Jurists P.O. Box 120 1224 Chêne-Bougeries Geneva - Switzerland

Conclusions and Recommendations*

Limuru Seminar

Introduction

1. Many if not most people living in rural areas:
 - are unaware of their legal rights;
 - lack formal education;
 - are liable to exploitation; and
 - have no access to legal services and are too poor to pay for them.

Hence, there is an urgent need to provide legal services of all kinds as a contribution to self-reliant rural development.

2. The participants were concerned to find ways of making these services available. It was agreed that lawyers engaged in this task should work together with members of non-governmental organisations (NGOs) working for community development who have the confidence of the rural people. These include, but are not limited to, church groups, women's and youth organisations, health workers, persons involved in adult education and other extension workers.

* Adopted by the participants of the seminar held at Limuru, Kenya from 1 to 4 October 1984. It was organised by the International Commission of Jurists together with the African Bar Association and the All Africa Conference of Churches.

3. Working with such groups will help to:
 - sensitise the lawyers concerned to the attitudes, traditions and situation of the rural communities;
 - surmount the geographical, linguistic and other barriers to communication; and
 - overcome attitudes of distrust towards lawyers that may be found among rural people.
4. The principal services to be provided include:
 - education about the law,
 - helping to resolve conflicts and disputes within the communities;
 - providing access to lawyers; and
 - giving legal assistance by negotiating with authorities in court proceedings.

The Content and Method of Educational Services

5. The content of the educational or sensitisation programme should be of two kinds:
 - to provide general information about the law applicable to all; and
 - to provide specific information about laws directly concerning the particular rural communities.
6. General information should include:
 - the need for law in society and the value to the whole community of obedience to the law;
 - the responsibilities and duties of everyone to their fellow men and women, to the communities in which they live, to neighbouring communities and to the State;
 - the fundamental human rights guaranteed by the constitution, the laws and international instruments, which include:
 - freedom of expression, freedom from arbitrary arrest and detention and the right to life;
 - the right to food, shelter, health and education as far as the resources permit; and
 - the right to participate in decision-making in matters concerning the poor, the right to organise themselves for this purpose and to have access to relevant information.

7. Specific information should include an explanation of:
 - the laws relating to issues of particular concern to them, e.g. land law and laws of succession;
 - how to claim their rights and discharge their obligations; and
 - how to obtain the assistance of a lawyer.
8. The aim should be to discuss with rural people how they can make use of the law to find solutions to their problems and difficulties. The aim should be to find ways, wherever possible, to resolve disputes through mediation and conciliation. Recourse to litigation should be a last resort. This will not only promote reconciliation and harmony within the community, but it will also help to minimise costs.
9. All information should be imparted in a simple and practical manner, in language and terms which will be meaningful to the rural people and related to their own experience. Use can be made of a great variety of means of communication, including meetings, visual aids, drama in which the people can participate, puppet shows, posters, illustrated pamphlets, as well as the press, radio and other media. These programmes may also be integrated into adult education programmes making use of such techniques.

Organisation

10. The participants recommended that a Rural Development Legal Services Committee be established in each country. This should include representatives of church and other rural development NGOs, the Bar Association or law society, university faculties of law, social sciences and departments of adult education.
11. No universal model can be recommended for the organisation of legal services. Each committee must determine what form of organisation is best suited to national conditions and the needs of the rural people in their country.
12. However, it is recommended that schemes providing these services should begin modestly with pilot projects, based upon a survey of the area and the community concerned. In some cases this may be done by expanding existing legal services, perhaps linked to services for the dissemination of information.

13. A dialogue should be established with the rural people to:
 - find out how they view their problems and difficulties, and the solutions required;
 - create trust and rapport between them and those seeking to provide the services; and
 - sensitise those providing the services to the rural people.
14. National committees are recommended to mobilise resources for the provision of these services as far as possible within their own countries. In order to preserve their independence, they should not become dependent upon funding from their governments.
15. Paid staff should be kept to a minimum, and as far as possible, use should be made of voluntary services whether full-time or part-time.
16. Law firms, particularly those established in provincial centres, should be persuaded to devote a small percentage of their working time to the scheme for legal services without payment, or only that of their expenses. In particular, those engaged in litigation on behalf of the rural poor should be invited to provide this service for reduced or no fees.

Paralegal Fieldworkers

17. Having received impressive accounts of their operation in other countries, the participants of the seminar strongly recommend that schemes for the provision of rural legal services should include the training and use of paralegal fieldworkers. These are persons who will work within the rural communities and act as a link between practising lawyers or academics and the rural people.
18. Their work may be of three types:
 - participating in the educational function described above;
 - assisting in securing mediation and reconciliation of matters in dispute; and
 - where necessary, conducting a preliminary investigation in cases which have to be referred to a lawyer and reporting to the lawyer with witness statements and other relevant information.
19. Some individuals will be able to perform all three functions others only

one or two. Some may do this work full-time. Most will do it part-time, combining it with other activities in the rural areas.

20. Where possible, it is preferable that paralegals be recruited from the area in which they will work, from development NGOs working in the field or from other persons having gained the confidence of the people and speaking their language. Others may be court clerks coming from or having a particular interest in the rural areas, and, in particular, university students.

21. University law schools should be encouraged to create legal aid clinics, and practical legal education centred on such clinics should be either compulsory or an optional course for which credit is given. Other faculties should give a course of a paralegal nature so that their research projects in rural areas incorporate legal issues. Such research students could also be involved in paralegal services and studies for which academic credit is given.

22. Any fears among practising lawyers that paralegals will deprive them of work or violate laws relating to legal practice are misconceived. Paralegals do not practice law. They inform people of their rights as many teachers and other non-lawyers do, and they collect information and statements to pass on to lawyers.

Training of Paralegals

23. The training of paralegals should be undertaken by persons from rural development NGOs, practising lawyers from local Bar Associations or law societies and university staff or senior students, who should together draw up the training programme. They may be assisted in the training by others, such as community leaders, social workers, customary court officials, serving or retired judges or magistrates.

24. The training programme should be based upon research into the problems and needs of the rural population concerned once the issues have been discussed with them (see paragraph 13).

25. The nature and content of the training programmes will depend upon the prospective functions and level of education of those to be trained. The

programmes may vary from short weekend courses, repeated periodically, for persons selected from the villages, to in-depth courses lasting several months for persons with a more advanced level of education or experience. In general, programmes will include training in the basic principles of law, human relations and civics.

26. Those undertaking training may usefully spend several days attending court sessions to have some practical knowledge of court procedures. The education of paralegals, like that of the rural population, should be essentially practical and related to their experience or the work they will undertake.

Evaluation

27. Finally, it was resolved that the participants from each country and organisation should implement the conclusions and recommendations of the seminar and organise a similar seminar in Africa in, say, three years time to enable the participants to share their experiences, evaluate the results and make further recommendations.

The African Charter

28. The seminar also passed a resolution that all African States that have not already done so should ratify the African Charter on Human and Peoples' Rights. It was considered that this would help to promote conditions of stability and peace which are necessary for the full realisation of human rights.

MEMBERS OF THE INTERNATIONAL COMMISSION OF JURISTS

President

ANDRES AGUILAR MAWDSLEY

Judge, Int'l Court of Justice; former Pres. Inter-American Commission on Human Rights

Vice-Presidents

Mrs TAI-YOUNG LEE

Director, Korean Legal Aid Centre for Family Relations

DON JOAQUIN RUIZ-GIMENEZ

Professor of Law, Madrid; former Ombudsman of Spain

Members of Executive Committee

WILLIAM J. BUTLER (Chairman)

Attorney at Law, New York

ALFREDO ETCHEBERRY

Advocate; Professor of Law, University of Chile

P.J.G. KAPTEYN

Councillor of State, Netherlands; former Prof. of Int'l Law

MICHAEL D. KIRBY

Pres., NSW Court of Appeal, Australia

FALI S. NARIMAN

Advocate, former Solicitor-General of India

CHRISTIAN TOMUSCHAT

Professor of Int'l Law, University of Bonn

AMOS WAKO

Advocate, Kenya; member of the UN Human Rights Committee

Commission Members

BADRIA AL-AWADHI

Associate Professor of International Law, Kuwait

ANTONIO CASSESE

Int'l Law Professor, European University Institute; President, European Committee for the Prevention of Torture, Italy

PARAM CUMARASWAMY

Advocate; former Chairman of the Standing Committee on Human Rights, Int'l Bar Association, Malaysia

DALMO DE ABREU DALLARI

Dean, Faculty of Law, University of Sao Paulo, Brazil

ROBERT DOSSOU

Practicing advocate; former President of the Benin Bar Association; Professor of Law and Dean of the Law Faculty, University of Benin

ENOCH DUMBUTSHENA

Former Chief Justice, Zimbabwe

DESMOND FERNANDO

President, Bar Association of Sri Lanka

GUILLERMO FIGALLO

Former Member of Supreme Court of Peru

HENRY DE B. FORDE

Member of Parliament and former Att.-Gen., Barbados

P. TELFORD GEORGES

Chief Justice, Supreme Court, The Bahamas

LENNART GROLL

Judge, Stockholm Court of Appeal, Sweden

KOFI KUMADO

Senior Lecturer in Law, University of Ghana

RAJSOOMER LALLAH

Supreme Court Judge, Mauritius; UN Human Rights Committee

CLAIRE L'HEUREUX-DUBE

Supreme Court Judge, Canada

NIALL MACDERMOT, C.B.E., Q.C.

Former Secretary-General, ICJ; former Minister of State for Planning and Land, UK

RUDOLF MACHACEK

Member of Constitutional Court, Austria

J.R.W.S. MAWALLA

Advocate of the High Court, Tanzania

FRANÇOIS-XAVIER MBOUYOM

Director of Legislation, Ministry of Justice, Cameroon

DORAB PATEL

Former Supreme Court Judge, Pakistan

SIR GUY POWLES

Former Ombudsman, New Zealand

NICOLE QUESTIAUX

Member, Council of State of France; former Minister of State

ADELA RETA SOSA DIAZ

Pres., Criminal Law Institute; Minister, Uruguay Gov't

MARY ROBINSON

Advocate; Int'l Law Professor; Member of Irish Senate

LORD SCARMAN

Former Lord of Appeal and Chairman, Law Commission, UK

YUICHI TAKANO

Professor of International Law, Tokyo, Japan

CHITTI TINGSABADH

Privy Councillor; Professor of Law; former Thai Supreme Court Judge

HONORARY MEMBERS

Sir ADETOKUNBO A. ADEMOLA, Nigeria

JEAN FLAVIEN LALIVE, Switzerland

ARTURO A. ALAFRIZ, Philippines

NORMAN S. MARSH, United Kingdom

DUDLEY B. BONSAI, United States

KEBA MBAYE, Senegal

HAIM H. COHN, Israel

JOSE T. NABUCO, Brazil

TASLIM OLAWALE ELIAS, Nigeria

TORKEL OPSAHL, Norway

PER FEDERSPIEL, Denmark

SHRIDATH S. RAMPHAL, Guyana

T.S. FERNANDO, Sri Lanka

Lord SHAWCROSS, United Kingdom

W.J. GANSHOF VAN DER MEERSCH, Belgium

EDWARD ST. JOHN, Australia

HANS HEINRICH JESCHECK, Federal Republic of Germany

TUN MOHAMED SUFFIAN, Malaysia

JOHN P. HUMPHREY, Canada

MICHAEL A. TRIANTAFYLIDIS, Cyprus

LOUIS JOXE, France

SECRETARY-GENERAL

ADAMA DIENG

INTERNATIONAL COMMISSION OF JURISTS

Printed in Switzerland

ISBN 92 9037 050 5